

**LAWS**  
**OF THE**  
**STATE OF DELAWARE**

**ONE HUNDRED AND TWENTY-SIXTH**  
**GENERAL ASSEMBLY**

**FIRST SESSION COMMENCED AND HELD AT DOVER**

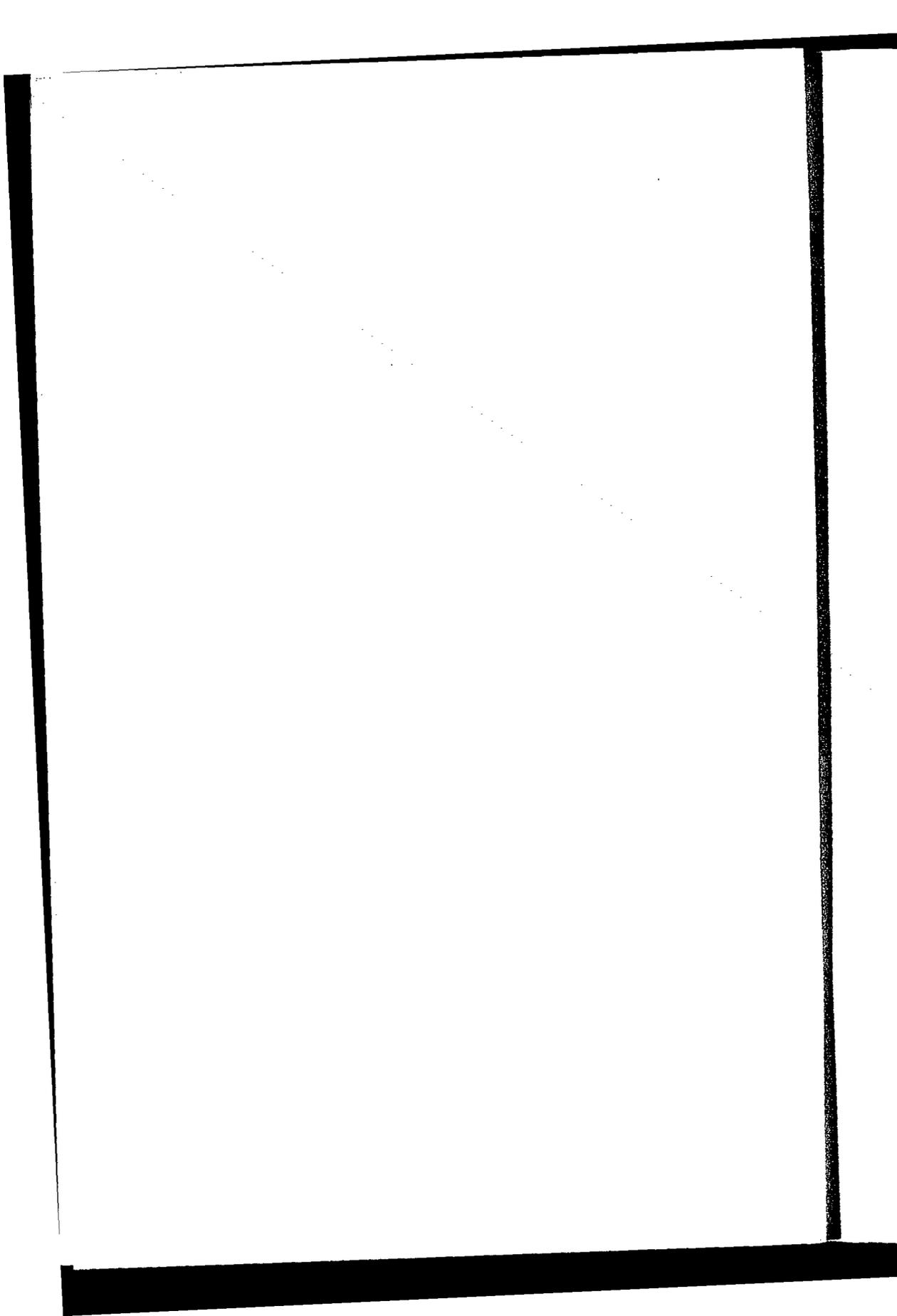
**On Tuesday, January 5, A. D.**  
**1971**

**SECOND SESSION COMMENCED AND HELD AT DOVER**

**On Tuesday, January 11, A. D.**  
**1972**

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**PART I**  
**VOLUME LVIII**



# LAWS OF DELAWARE

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## CHAPTER 1

### FORMERLY SENATE BILL NO. 2

#### **AN ACT TO AMEND CHAPTER 9, TITLE 28, DELAWARE CODE, RELATING TO MISCELLANEOUS PROVISIONS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 906 (a), Title 28, Delaware Code, is amended by striking the period at the end of the sentence and inserting a comma in lieu thereof, and by adding after said comma the following:

“nor shall this prohibition apply to horse racing in New Castle County.”

Approved January 28, 1971.

CHAPTER 2

FORMERLY SENATE BILL NO. 3

**AN ACT TO AMEND CHAPTER 3, TITLE 28, DELAWARE  
CODE, RELATING TO HORSE RACING.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 322 (c) Title 28, Delaware Code, is amended  
by striking and deleting from the second sentence the figure "61"  
and inserting in lieu thereof the figure "65."

Approved January 28, 1971.

## CHAPTER 3

FORMERLY SENATE BILL NO. 44  
WITH HOUSE AMENDMENT NO. 1

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION FROM THE GENERAL FUND OF THE STATE IN THE AMOUNT OF \$47,000 TO THE CRIPPLED CHILDREN'S SECTION OF THE DIVISION OF MATERNAL, CHILD AND CRIPPLED CHILDREN'S SERVICES OF THE DIVISION OF PHYSICAL HEALTH OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.**

WHEREAS, the division of crippled children's services exhausted its funds on January 1, 1971; and

WHEREAS, this has cut off services to physically handicapped children in the following areas — braces and repairs, crutches, hearing aids and repairs, surgery, anaesthesia, in-hospital treatment, x-ray, audiologic and otologic examinations, transporting downstate children to the Alfred I. duPont Institute, transporting children to the regional heart program at Johns Hopkins Hospital, orthodontia and pedodontia; and

WHEREAS, even in times of financial stress and prudent economic practice, physically handicapped children of Delaware still need care which should not be postponed.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That there is hereby appropriated from the General Fund of the State of Delaware to the Crippled Children's Section of the Division of Maternal, Child and Crippled Children's Services of the Division of Physical Health of the Department of Health and Social Services the sum of Forty-seven Thousand Dollars (\$47,000).

Section 2. Any funds remaining unexpended on June 30, 1971, shall revert to the General Fund of the State.

Approved February 5, 1971.

CHAPTER 4  
FORMERLY HOUSE BILL NO. 2

**AN ACT TO AMEND SUBCHAPTER II, CHAPTER 3, TITLE 28  
OF THE DELAWARE CODE, RELATING TO RACING  
APPLICATIONS, AWARD OF DATES, AND MAXIMUM  
RACING DAYS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend section 322, Subchapter II, Chapter 3, Title 28 of the Delaware Code, by striking the phrase "15th day of January" as it appears in paragraph (c) therein, and substituting therefor the phrase "first Tuesday in February" in lieu thereof.

Section 2. Amend section 322, Subchapter II, Chapter 3, Title 28 of the Delaware Code, by striking the phrase "15th day of January" as it appears in paragraph (e) therein, and substituting therefor the phrase "first Tuesday in February" in lieu thereof.

Approved February 10, 1971.

**CHAPTER 5****FORMERLY SENATE BILL NO. 35****AN ACT TO VALIDATE A BOND ELECTION HELD IN THE  
ALEXIS I. duPONT SCHOOL DISTRICT, DELAWARE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The Bond Election held in the Alexis I. duPont School District on May 16, 1970, is hereby validated and confirmed, notwithstanding that the Notice of such election was published a total of five (5) times, rather than six (6) times, prior to said election, as provided in Chapter 21, Title 14, Delaware Code.

Section 2. This Act shall take effect immediately.

Approved February 11, 1971.

## CHAPTER 6

## FORMERLY SENATE BILL NO. 52

**AN ACT AUTHORIZING THE TREASURER OF THE STATE OF DELAWARE TO ADVANCE \$78,000 FROM THE GENERAL FUND TO THE STATE DEPARTMENT OF PUBLIC INSTRUCTION TO EXPEDITE THE COMPLETION OF NECESSARY WATER AND SEWER FACILITIES FOR THE H. B. DU PONT MIDDLE SCHOOL IN THE ALEXIS I. DU PONT SCHOOL DISTRICT.**

WHEREAS, the State's 60% share of the \$130,000 projected for the completion of the water and sewer facilities for the H. B. duPont Middle School in the Alexis I. duPont School District was inadvertently omitted from the authorized 1969 Capital Improvement Program; and

WHEREAS, such belatedly discovered omission has been provided for in the yet to be authorized 1972 Capital Improvement Program; and

WHEREAS, the required necessity certificates have been issued, the local 40% share of \$52,000 has been authorized by referendum held on May 16, 1970 and the local bond sale is scheduled for February 15, 1971, therefore,

*Be it enacted by the General Assembly of the State of Delaware*

Section 1. • The Treasurer of the State of Delaware is hereby authorized to advance from the General Fund the sum of \$78,000 to the State Department of Public Instruction to expedite the completion of the necessary water and sewer facilities for the H. B. duPont Middle School in the Alexis I. duPont School District, which sum shall be repaid to the General Fund, when and if such sum shall have been authorized and funded in accordance with the projected 1972 Capital Improvement Program.

Approved February 11, 1971.

## CHAPTER 7

## FORMERLY HOUSE BILL NO. 20

**AN ACT TO AMEND SECTION 9602, TITLE 9, DELAWARE CODE, RELATING TO THE SALARY OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 9602 (1), Title 9, Delaware Code, is amended by striking the figure "\$9,000", as the same appears therein, and inserting in lieu thereof the figure "\$12,000".

Section 2. This Act is effective January 1, 1971.

Approved March 2, 1971.

## CHAPTER 8

FORMERLY HOUSE BILL NO. 12  
WITH SENATE AMENDMENT NO. 1**AN ACT TO AMEND SECTION 2004, CHAPTER 20, TITLE 14,  
DELAWARE CODE RELATING TO CONSTRUCTION OF  
FACILITIES EXCEEDING THE STANDARD SCHOOL  
CONSTRUCTION FORMULA.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 2004, Title 14, Delaware Code, by striking the section in its entirety and substituting in lieu thereof the following:

**§ 2004. Construction of facilities exceeding the standard formula**

The provisions of this Chapter shall not prevent the State Board of Education from approving school construction requests submitted by Districts when such requests vary from the standard formula; provided, however, that when the costs of the facilities so approved exceed the costs determined by the standard formula, the voters in the Districts so affected may authorize and limit by referendum the expenditure of funds to the amount based on the standard formula, such referendum to be held in accordance with the provisions of Chapter 21 of this Title. The following form shall be used on the ballots in such election:

**Section I – Vote for one**

- A. For a bond issue at this time
- B. Against a bond issue at this time

**Section II – Vote for one**

In the event that the majority of votes cast in Section I is for a bond issue, which bond issue would you prefer?

- A. For the bond issue in the amount of \$ \_\_\_\_\_ as recommended by the School Board.

B. For the bond issue in the amount of \$ \_\_\_\_\_ as determined from the standard formula by the State Board of Education.

The amounts of the proposed bond issues shall be inserted in the appropriate spaces on the ballot. Section I of the ballot shall be counted first. If the majority is for issuance of a bond (Section I) then Section II shall be counted and in no case shall the bond issue recommended by the school board be authorized with less than a majority of the total ballots validated for count; the lack of which majority will constitute a positive bond issue authorization by the standard formula of the State Board of Education.”

Approved March 11, 1971.

## CHAPTER 9

FORMERLY HOUSE BILL NO. 84  
WITH HOUSE AMENDMENT NO. 1**AN ACT AMENDING CHAPTER 1, TITLE 22 OF THE  
DELAWARE CODE PROVIDING A LIMIT ON THE  
ISSUANCE OF BONDS AND NOTES FOR CITIES HAVING  
POPULATIONS IN EXCESS OF 50,000.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 1, Title 22 of the Delaware Code, is amended by adding a new section thereto numbered Section 106 to read as follows:

**§ 106. Debt limit of cities with population in excess of 50,000**

(a) All cities in the State of Delaware having a population in excess of 50,000 as enumerated in the most recent Federal census which have the power to borrow money and issue negotiable bonds and notes to evidence such borrowing are hereby authorized to issue such bonds, and notes in anticipation of the issuance of such bonds, in an amount not in excess of sixteen percent of the assessed valuation of real estate taxable by such city. In computing the aggregate principal amount of such bonds and notes of such city, there shall be excluded (1) all bonds and notes issued by such city for the purpose of providing a supply of water for such city; and (2) all bonds and notes issued by such city for sewer purposes as a part of the sewer system of such city for which such city collects rates, rents or fees; and (3) any bonds and notes issued by such city for school purposes but not in excess of three per centum of the assessed valuation of the real estate taxable by such city; however, any such city may issue school bonds and notes within its debt limitation in excess of the three per centum which is excluded from the aggregate principal amount which may be issued; and (4) all bonds and notes issued by such city for any other purpose for which an exclusion is authorized by law including but not limited to exclusions for bonds and notes issued for Parking Authority purposes and Urban Renewal purposes; (5) any guaranty or other obligation incurred pursuant to any law and

which said law provides shall be excluded from the computation of any debt limitations of such city; and (6) bonds issued to fund outstanding notes not otherwise excluded, until such notes are retired.

(b) Bonds may be issued within the limits prescribed herein notwithstanding any debt or other limitation prescribed by any other law provided however that such bonds, or notes issued in anticipation of the issuance of such bonds, must be approved and authorized by the governing body of such city in the same manner as all other obligations of such city are authorized.

Section 2. This Act shall replace the debt limit for such cities provided in any other law, special or general.

Section 3. This Act shall take effect immediately.

Approved March 11, 1971.

CHAPTER 10

FORMERLY SENATE BILL NO. 38

**AN ACT TO AMEND CHAPTER 43, TITLE 29 OF THE  
DELAWARE CODE REGARDING THE APPOINTMENT OF  
NOTARIES PUBLIC FOR CERTAIN SERVICE  
ORGANIZATIONS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Paragraph (a) of Section 4304, Title 29 of the Delaware Code by adding thereto the words "Paralyzed Veterans of America" immediately following the comma (,) following the phrase "and of the American Legion," as it appears on line 4 of the said paragraph (a), Section 4304, Title 29 of the Delaware Code.

Approved March 15, 1971.

## CHAPTER 11

## FORMERLY SENATE BILL NO. 8

**AN ACT TO AMEND SECTION 4974, TITLE 10, DELAWARE  
CODE RELATING TO PLACE FOR PUBLIC SALE OF  
REAL ESTATE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 4974, Chapter 49, Title 10, Delaware Code, is hereby amended by striking all of §4974 and inserting in lieu thereof a new §4974 to read as follows:

**§4974. Place for public sale of real estate**

All sales of real estate, made by a sheriff by virtue of execution process, shall be made on the premises to be sold or at the Court House for the county in which the premises are situated.

Approved March 18, 1971.

CHAPTER 12

FORMERLY SENATE BILL NO. 34

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION IN THE AMOUNT OF \$60,000 TO DELAWARE STATE COLLEGE FOR SALARIES.**

WHEREAS, the salaries of employees in the classified service were increased by the 125th General Assembly (Senate Bill No. 455); and

WHEREAS, adjustments in the pay scales of Delaware State College employees comparable to employees in the classified service in grades 1 through 18 are essential to the retention and recruitment of such Delaware State College employees; and

WHEREAS, the monies appropriated to the Delaware State College for employees' salaries for the fiscal year ending June 30, 1971, in the line items designated "Salaries," did not include the funds necessary for such salary increases.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$60,000 is hereby appropriated to the Delaware State College as an additional sum for the line items designated "Salaries" for the fiscal year ending June 30, 1971.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved March 18, 1971.

## CHAPTER 13

## FORMERLY SENATE BILL NO. 137

**AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ADMINISTER AND DISTRIBUTE \$647,422.00 IN THE FORM OF GRANTS TO THE TOWN OF SELBYVILLE FROM FUNDS AUTHORIZED UNDER CHAPTER 736, VOLUME 57, LAWS OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Secretary of the Department of Natural Resources and Environmental Control is hereby authorized and empowered to administer and distribute \$647,422.00 to the Town of Selbyville in the form of grants from funds heretofore authorized under the provisions of Chapter 736, Volume 57, Laws of Delaware; provided, however, that the following provisions have been met:

(a) That the Secretary shall develop procedures for the administration and distribution of said grant;

(b) That the Selbyville project receive no less than 25% of the total cost, eligibility for which has been determined by the Secretary and the Federal Water Pollution Control Administration pursuant to Public Law No. 660, however, in no case shall the grant of state funds exceed 33 1/3% of the total cost of the water pollution control facilities;

(c) That the acquisition of real property shall not be an eligible project cost;

(d) That in computing costs for said project, no deduction shall be made for any Federal grants made for such project;

(e) That the Selbyville project has met an abatement plan approved by the Secretary.

Section 2. "Water pollution control facilities" as used hereinabove shall mean engineering services rendered in the design and construction of the project, waste water treatment plants, intercepting sewers (collection system excluding house connections), repair of streets damaged in the construction process, or any other necessary appurtenances required for proper operation of the system.

Approved March 30, 1971.

CHAPTER 14

FORMERLY HOUSE BILL NO. 48  
AS AMENDED BY  
HOUSE AMENDMENTS NO. 1, 5, 6, AND 8

**AN ACT TO AMEND TITLE 22, DELAWARE CODE, ENTITLED "MUNICIPALITIES" BY ADDING THERETO A NEW CHAPTER 9 AUTHORIZING CITIES WITH A POPULATION IN EXCESS OF 50,000 PERSONS TO ENACT A TAX ON INCOME OF ITS RESIDENTS; AND A TAX ON THE INCOME OF NONRESIDENTS ENGAGED IN ANY OCCUPATION, BUSINESS OR PROFESSION WITHIN THE CITY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 22, Delaware Code, is amended by the addition thereto of a new Chapter 9 to read as follows:

**CHAPTER 9. MUNICIPAL USER TAX**

**§ 901. Authority to levy, assess and collect tax**

Any municipality of this State with a population in excess of 50,000 persons is hereby authorized to levy, assess and collect a tax for general revenue purposes on earned income of its residents and on any income earned within the city by persons not residing within such city but engaged or employed in any business, profession or occupation within such city.

**§ 902. Limitations**

Any tax assessed within the provisions of this tax shall not exceed 1.5 percent of the income of residents of such city per annum; and 1.5 percent of the income of nonresidents earned within the city per annum.

**§ 903. Income; definition**

'Income' means the total income from whatever source earned by any resident of such city; and the total income earned

within such city by any nonresident of the city.

**§ 904. Regulations**

Each such municipality is authorized to promulgate and enforce such regulations as it deems necessary for the assessment, collection and enforcement of such tax.

**§ 905. Severability**

The provisions of this Act are severable and should any portion of this Act be declared to be invalid for any reason the remaining portions shall continue to be valid and enforceable.

**§ 906. Suit in Superior Court**

Any such municipality which adopts the provisions of this Act is in addition to all other means of enforcement available authorized to bring suit in the Superior Court of the county in which such city is located.

**§ 907. Collection and enforcement**

Taxes due under any Municipal User Tax adopted prior to the passage of this Act shall continue to be collected and enforced and shall not be abated.

**§ 908. Effective period**

This Act shall be effective until June 30, 1973, and shall not be effective for any time thereafter except for the collection and enforcement of any taxes due for the aforementioned effective time.

**§ 909. Termination**

The authority granted under Section 901 of this chapter shall be terminated as to any municipality which shall decrease its real estate tax rate after the passage of this Act or during the effective time of this Act.

Approved March 30, 1971.

## CHAPTER 15

## FORMERLY SENATE BILL NO. 106

**AN ACT TO AMEND SUBCHAPTER III, CHAPTER 10, TITLE 14 OF THE DELAWARE CODE RELATING TO THE SCHOOL BOARD FOR THE REORGANIZED SCHOOL DISTRICT WHICH INCLUDES THE FORMER SCHOOL DISTRICT OF ALEXIS I. DU PONT SPECIAL SCHOOL DISTRICT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend paragraph (b) of Section 1062, Subchapter III, Chapter 10, Title 14 of the Delaware Code, by striking in its entirety the phrase "and no member shall fail to state his political affiliation."

Approved April 1, 1971.

CHAPTER 16

FORMERLY HOUSE BILL NO. 85  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO  
THE SECRETARY OF STATE FOR AUTOMATION OF  
THE FRANCHISE TAX DEPARTMENT AND THE  
CORPORATION DEPARTMENT.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. In addition to any other sums previously appropriated, there is hereby appropriated to the Secretary of State for the fiscal year ending on June 30, 1971, the sum of \$65,000 for the purpose of automation of the franchise tax operation by the State Central Data Processing Division.

Section 2. This Act is a supplementary appropriation act and the funds hereby appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 3. The funds so appropriated shall be used only for the purposes herein specified, and any funds appropriated but unexpended by June 30, 1972 shall thereupon revert to the General Fund of the State Treasury.

Approved April 5, 1971.

## CHAPTER 17

## FORMERLY SENATE BILL NO. 108

**AN ACT TO AMEND SECTION 9402, TITLE 9, DELAWARE CODE, RELATING TO THE SALARY OF THE CLERK OF THE PEACE IN AND FOR NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 9402 (1), Title 9, Delaware Code, is hereby amended by striking the figure "\$9,000", as the same appears therein and inserting in lieu thereof the figure "\$12,000".

Approved April 6, 1971.

## CHAPTER 18

## FORMERLY HOUSE BILL NO. 91

**AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS TO THE DEPARTMENT OF JUSTICE FOR THE PURPOSE OF PROVIDING ADDITIONAL SALARIES, CONTRACTUAL SERVICES, SUPPLIES AND MATERIALS AND CAPITAL OUTLAY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$16,500 is hereby appropriated to the Department of Justice for the fiscal year ending June 30, 1971, in the following categories and amounts:

Salaries and wages .....	\$12,600
Contractual services .....	2,300
Supplies and materials .....	600
Capital outlay .....	1,000
	<u>\$16,500</u>

Section 2. This Act shall be considered a supplementary appropriation and the monies appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 3. If any of the funds in the above categories remain unexpended upon June 30, 1971, such funds shall thereupon revert to the General Fund of the State Treasury.

Approved April 6, 1971.

## CHAPTER 19

## FORMERLY HOUSE BILL NO. 32

**AN ACT TO AMEND TITLE 14 OF DELAWARE CODE,  
CHANGING THE NAME OF THE "DELAWARE INSTI-  
TUTE OF TECHNOLOGY" TO "DELAWARE TECHNICAL  
AND COMMUNITY COLLEGE".**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Chapter 91, Title 14, Delaware Code, is amended by striking out the words "Delaware Institute of Technology" where they appear therein and inserting in lieu thereof the words "Delaware Technical and Community College".

Section 2. Chapter 91, Title 14, Delaware Code, is amended by striking out the words "The Institute" where they appear therein and inserting in lieu thereof the words "The College".

Approved April 8, 1971.

## CHAPTER 20

## FORMERLY HOUSE BILL NO. 136

**AN ACT TO AMEND TITLE 10, SECTION 145, DELAWARE CODE, TO REDUCE THE APPEAL TIME TO THE SUPREME COURT FROM A FINAL JUDGMENT OF THE COURT OF CHANCERY FROM 60 DAYS TO 30 DAYS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 145, Title 10, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new Section 145 to read as follows:

**§145. Time for appeal from final judgment of the Court of Chancery**

No appeal from a final judgment or decree of the Court of Chancery shall be received or entertained in the Supreme Court unless the praecipe or notice of appeal is duly filed in the office of the Clerk thereof within 30 days after the date of the judgment or decree.

This section shall not affect the time for cross-appeals provided in Section 149.

Section 2. This Act shall not affect the time for appeal from final judgments entered prior to the effective date of this Act. Such judgments shall be subject to the 60-day limitation in effect prior to such date.

Section 3. This Act shall become effective 60 days after the date this Act is enacted into law.

Approved April 9, 1971.

## CHAPTER 21

## FORMERLY HOUSE BILL NO. 134

**AN ACT TO AMEND TITLE 10, SECTION 148, DELAWARE CODE, TO REDUCE THE APPEAL TIME TO THE SUPREME COURT FROM A FINAL JUDGMENT OF THE SUPERIOR COURT IN CIVIL ACTIONS FROM 60 DAYS TO 30 DAYS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 148, Title 10, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new Section 148 to read as follows:

**§148. Time for appeal from final judgment of the Superior Court in civil actions**

No appeal from a final judgment of the Superior Court in a civil action shall be received or entertained in the Supreme Court unless the praecipe or notice of appeal is duly filed in the office of the Clerk thereof within 30 days after the date of the judgment or decree.

This section shall not affect the time for cross-appeals provided in Section 149.

Section 2. This Act shall not affect the time for appeal from final judgments entered prior to the effective date of this Act. Such judgments shall be subject to the 60-day limitation in effect prior to such date.

Section 3. This Act shall become effective 60 days after the date this Act is enacted into law.

Approved April 9, 1971.

## CHAPTER 22

## FORMERLY HOUSE BILL NO. 135

**AN ACT TO AMEND TITLE 10, SECTION 147, DELAWARE CODE, TO REDUCE THE APPEAL TIME TO THE SUPREME COURT FROM THE SUPERIOR COURT IN CRIMINAL ACTIONS FROM 60 DAYS TO 30 DAYS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 147, Title 10, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new Section 147 to read as follows:

**§ 147. Time for appeal from Superior Court in criminal actions**

No appeal from the Superior Court in a criminal action shall be received or entertained in the Supreme Court unless the praecipe or notice of appeal is duly filed in the office of the Clerk thereof within 30 days after the date of the judgment or decree.

Section 2. This Act shall not affect the time for appeal from final judgments entered prior to the effective date of this Act. Such judgments shall be subject to the 60-day limitation in effect prior to such date.

Section 3. This Act shall become effective 60 days after the date this Act is enacted into law.

Approved April 9, 1971.

CHAPTER 23

FORMERLY SENATE BILL NO. 97  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE  
RELATING TO THE BASIC PROPERTY PROTECTION  
PLAN BY DELETING SUBSECTION (d) (i) OF SECTION  
4103 AND BY AMENDING SECTION 4106.**

WHEREAS, the Federal Legislation authorizing Delaware's FAIR PLAN providing for making property insurance available to qualified property otherwise difficult to insure provides for inclusion of property used for farming and manufacturing purposes; and

WHEREAS, Delaware's FAIR PLAN, Title 18, Delaware Code, Chapter 41, discriminates against farming and manufacturing property by eliminating them from coverage in Title 18, Delaware Code, Section 4103 (d) (i); and

WHEREAS, the owners of such farming or manufacturing property are having great difficulties getting property insurance protection due to changing social conditions; and

WHEREAS, the Delaware Insurance Commissioner has made a determination that due to such changing social conditions it would be fair and equitable to such persons and in the best interest of the State of Delaware to amend Chapter 41 to provide FAIR PLAN coverage for otherwise qualified farming and/or manufacturing property.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 18 of the Delaware Code, by deleting section (i) of paragraph (d) of Section 4103 and by renumbering section (ii) as (i), section (iii) as (ii) and section (iv) as (iii).

Section 2. Amend Title 18 of the Delaware Code, by adding a period at the end of the fifth line of Section 4106 after the word 'distribution' and by deleting from said Section 4106 the words 'but shall not include farm or manufacturing properties.'

Approved April 9, 1971.

## CHAPTER 24

## FORMERLY SENATE BILL NO. 89

**AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO INCREASE THE MAXIMUM AMOUNT WHICH MAY BE CONTRIBUTED TO THE VOLUNTEER FIRE COMPANY.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Subsection (28), Section 29, Chapter 170, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out the words and figures "three per centum (3%)" as the same appear in said Subsection (28) and substituting in lieu thereof the words and figures "twelve per centum (12%)."

Approved April 9, 1971.

CHAPTER 25

FORMERLY HOUSE BILL NO. 41

**AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE,  
RELATING TO THE IMPORTATION OF ALCOHOLIC  
LIQUORS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Section 501, Title 4 of the Delaware Code, to read as follows:

**§501. Necessity of license; exception**

Any person proposing to manufacture in or to import alcoholic liquor into the State of Delaware shall obtain from the Commission a license authorizing such manufacture or importation.

The provisions of this Section shall not apply to those persons permitted by the laws of this State to purchase or consume alcoholic liquor; and any such person may import the quantity of one quart of alcoholic liquor or less per day into this state for his own consumption without the payment of any tax thereon, and without being subject to any restriction imposed by the Commission. If such importation is by motor vehicle, the alcoholic liquor shall be transported in an area of the motor vehicle not immediately accessible to the driver or any passenger therein.

Approved April 11, 1971.

## CHAPTER 26

FORMERLY HOUSE BILL NO. 107  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 51, TITLE 9, DELAWARE CODE, RELATING TO STREET AND HIGHWAY LIGHTING IN UNINCORPORATED COMMUNITIES AND VILLAGES IN KENT COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5101, Title 9, Delaware Code, is amended by inserting the word "real" before the word "property" as the same appears in the first line of said Section 5101.

Section 2. Section 5101, Title 9, Delaware Code, is amended by adding after the second sentence thereof a new sentence to read as follows:

The petition shall state whether the light tax levied pursuant to Section 5102 of this chapter shall be prorated among the owners of the property subject to said tax or based upon the assessment for county purposes.

Section 3. Section 5102 (a), Title 9, Delaware Code, is amended by striking said subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) The Levy Court, for the purposes of carrying out any contract entered into pursuant to Section 5101 of this title, shall levy for the installation and maintenance of such lights in any such community with respect to which such a contract has been entered into, an annual tax based upon the full annual cost of street and highway illumination upon all real property with a dwelling situated thereon within the boundary lines of the community or village as set forth in the petition provided for by Section 5101 of this title, which tax according to the instructions set forth in the petition filed pursuant to Section 5101 of this

chapter shall be prorated among the owners of such property or based upon the assessment for county purposes. No such taxes shall be levied against farm land.

Approved April 11, 1971.

## CHAPTER 27

## FORMERLY SENATE BILL NO. 140

**AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, BY INCLUDING UNDER HEALTH CARE INSURANCE COVERAGE INDIVIDUALS RECEIVING RETIREMENT OR DISABILITY BENEFITS UNDER CHAPTER 39, TITLE 14, DELAWARE CODE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend §5120 (a) (2) of Title 29, Delaware Code, by changing the period at the end thereof to a semi-colon and by adding thereto the following language:

“or one who is receiving retirement or disability benefits under the teachers’ retirement and disability plan (Chapter 39, Title 14).”

Section 2. The effective date of this Act shall be July 1, 1971.

Approved April 11, 1971.

## CHAPTER 28

## FORMERLY SENATE BILL NO. 88

**AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO PERMIT VACANCIES IN THE OFFICE OF MAYOR OR COUNCILMAN TO BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each House thereof concurring therein):*

Section 1. Section 12, Chapter 42, Volume 53, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of said Section 12 and substituting in lieu thereof the following:

Section 12. If any vacancy shall occur in the office of Mayor or Councilman, by death, resignation, loss of residence in the City of Seaford, refusal to serve, failure to elect or otherwise, the same may be filled by a majority vote of the members of the City Council, the person or persons so chosen to fill such vacancy or vacancies shall be qualified as in the case of newly elected members and shall hold office for the balance of the unexpired term to which he is appointed or until his successor is duly elected and qualified.

Approved April 11, 1971.

## CHAPTER 29

## FORMERLY HOUSE BILL NO. 115

**AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION  
TO THE DEPARTMENT OF HEALTH AND SOCIAL SERV-  
ICES.**

WHEREAS, Volume 57, Chapter 569, Laws of Delaware, referred to as the "Budget Act", appropriated funds to the Department of Public Welfare for the payment of Medical Aid Program – Drugs and Title 19 Federal Program – Other than State Institution; and

WHEREAS, funds appropriated are insufficient to meet Fiscal 1971 requirements;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$664,400 is appropriated to the Department of Health and Social Services for Public Welfare. The sum to be allocated as follows:

Public Welfare Section:

Medical Aid Program – Drugs	.....	\$110,400
Title 19 Federal Program – Other than State Institutions	.....	<u>554,000</u>
		\$664,400

Section 2. Funds appropriated herein shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. This is a supplementary appropriation, and funds appropriated herein, which remain unexpended on June 30, 1971, shall revert to the General Fund.

Approved April 11, 1971.

## CHAPTER 30

## FORMERLY SENATE BILL NO. 146

**AN ACT TO AMEND TITLE 31, CHAPTER 52, DELAWARE CODE, RELATING TO INTERSTATE COMPACT ON JUVENILES PROVIDING AMENDMENTS RELATING TO OUT-OF-STATE CONFINEMENT, RENDITION AND EMPOWERING DESIGNATION OF ADMINISTRATOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 31, Chapter 52, Delaware Code, by adding to the end of § 5203 the following:

**“AMENDMENT 1. OUT-OF-STATE CONFINEMENT**

(a) Whenever the duly constituted judicial or administrative authorities in a sending state shall determine that confinement of a probationer or reconfinement of a parolee is necessary or desirable, said officials may direct that the confinement or reconfinement be in an appropriate institution for delinquent juveniles within the territory of the receiving state, such receiving state to act in that regard solely as agent for the sending state.

(b) Escapees and absconders who would otherwise be returned pursuant to Article V of the Compact may be confined or reconfined in the receiving state pursuant to this Amendment. In any such case the information and allegations required to be made and furnished in a requisition pursuant to such Article shall be made and furnished, but in place of the demand pursuant to Article V, the sending state shall request confinement or reconfinement in the receiving state. Whenever applicable, detention orders as provided in Article V may be employed pursuant to this paragraph preliminary to disposition of the escapee or absconder.

(c) The confinement or reconfinement of a parolee, probationer, escapee, or absconder pursuant to this amendment shall require the concurrence of the appropriate judicial or administrative authorities of the receiving state.

(d) As used in this amendment: (1) “sending state” means

sending state as that term is used in Article VII of the Compact or the state from which a delinquent juvenile has escaped or absconded within the meaning of Article V of the Compact; (2) "receiving state" means any state, other than the sending state, in which a parolee, probationer, escapee or absconder may be found, provided that said state is a party to this amendment.

(e) Every state which adopts this amendment shall designate at least one of its institutions for delinquent juveniles as a "Compact Institution" and shall confine persons therein as provided in Paragraph (a) hereof unless the sending and receiving state in question shall make specific contractual arrangements to the contrary. All states party to this amendment shall have access to "Compact Institutions" at all reasonable hours for the purpose of inspecting the facilities thereof and for the purpose of visiting such of said state's delinquents as may be confined in the institution.

(f) Persons confined in "Compact Institutions" pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from said "Compact Institution" for transfer to an appropriate institution within the sending state, for return to probation or parole, for discharge, or for any purpose permitted by the laws of the sending state.

(g) All persons who may be confined in a "Compact Institution" pursuant to the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of confinement or reconfinement in a receiving state shall not deprive any person so confined or reconfined of any rights which said person would have had if confined or reconfined in an appropriate institution of the sending state; nor shall any agreement to submit to confinement or reconfinement pursuant to the terms of this amendment be construed as a waiver of any rights which the delinquent would have had if he had been confined or reconfined in any appropriate institution of the sending state except that the hearing or hearings, if any, to which a parolee, probationer, escapee, or absconder may be entitled (prior to confinement or reconfinement) by the laws of the sending state may be had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall

act as agents of the sending state after consultation with appropriate officers of the sending state.

(h) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(i) This amendment shall take initial effect when entered into by any two or more states party to the compact and shall be effective as to those states which have specifically enacted this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be promulgated by the appropriate officers of those states which have enacted this amendment.

#### AMENDMENT 2. RENDITION

(a) This amendment shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

(b) All provisions and procedures of Articles V and VI of the Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law, shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A Petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.”

Section 2. Amend Title 31, Chapter 52, Delaware Code, by deleting the first sentence of §5221 and inserting in lieu thereof the following:

“Pursuant to the Interstate Compact on Juveniles, the Governor is hereby authorized and empowered to designate the Secretary of the Department of Health and Social Services to be the compact administrator or to authorize the Secretary to designate an employee of the Department to be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact.”

Approved April 11, 1971.

act as agents of the sending state after consultation with appropriate officers of the sending state.

(h) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(i) This amendment shall take initial effect when entered into by any two or more states party to the compact and shall be effective as to those states which have specifically enacted this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be promulgated by the appropriate officers of those states which have enacted this amendment.

## AMENDMENT 2. RENDITION

(a) This amendment shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

(b) All provisions and procedures of Articles V and VI of the Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law, shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A Petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed."

Section 2. Amend Title 31, Chapter 52, Delaware Code, by deleting the first sentence of § 5221 and inserting in lieu thereof the following:

“Pursuant to the Interstate Compact on Juveniles, the Governor is hereby authorized and empowered to designate the Secretary of the Department of Health and Social Services to be the compact administrator or to authorize the Secretary to designate an employee of the Department to be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact.”

Approved April 11, 1971.

## CHAPTER 31

## FORMERLY HOUSE BILL NO. 103

**AN ACT TO AMEND AN ACT ENTITLED: "AN ACT TO RE-INCORPORATE THE TOWN OF CLAYTON" BY EXTENDING THE LIMITS OF SAID TOWN.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. The Charter of the Town of Clayton (Chapter 131, Volume 33, Laws of Delaware) is hereby amended by the addition of the following paragraph to the end of Section 1:

"In addition to the present limits of the Town of Clayton, the Town shall be extended to include all that certain tract, piece or parcel of land situated partly in Duck Creek Hundred and partly in Kenton Hundred, Kent County and State of Delaware, lying adjacent to the northeasterly corner of the corporate limits of the Town of Clayton and being more particularly described as follows, to-wit:

"BEGINNING at a point at a corner for this tract and the Town of Smyrna located in the northerly right-of-way line of Duck Creek Road (County Road No. 134), thence with said right-of-way line South 41 degrees, 30 minutes West 478.6 feet to a point in the easterly right-of-way line of a 30 foot wide road leading northerly to the Clayton disposal plant and landfill; thence with said easterly right-of-way line of said 30 foot wide road North 22 degrees, 30 minutes West 736.5 feet; thence with line of lands of the Town of Clayton North 74 degrees, 30 minutes East 567 feet to a point common to this tract and the Town of Smyrna; thence with line of the corporate limits of the town of Smyrna North 37 degrees, 42 minutes West 92 feet; thence continuing with said line of corporate limits of Town of Smyrna North 30 degrees, 27 minutes West 400 feet to the center line of Providence Branch which flows to Duck Creek, said Branch being the division line between Kent County and New Castle County: thence with said center line of said Branch its many courses and distances northwesterly 1700 feet, more or less, to a point in the easterly right-of-way line of the Penn Central Railroad; thence

with the easterly right-of-way line of Penn Central Railroad south 16 degrees East 1752 feet to a point set in said right-of-way line; thence crossing said right-of-way South 45 degrees 3 minutes West 728.06 feet to a point in the westerly right-of-way line of Green Spring Road (County Road No. 38); thence with said right-of-way line South 17 degrees East 481.62 feet to a point in the southerly right-of-way line of Duck Creek Road (now abandoned); thence with the southerly right-of-way line of Old Duck Creek Road (now abandoned) North 50 degrees 27 minutes East 225.5 feet; thence continuing with said right-of-way line of said road North 44 degrees 38 minutes East 478.71 feet to the centered line of the Penn Central Railroad; thence with the existing line of the corporate limits of the Town of Clayton North 72 degrees 6 minutes East 1597.8 feet to a corner; thence continuing with the existing line of the corporate limits of the Town of Clayton South 17 degrees 54 minutes East 538.4 feet to a point for this tract in line of the corporate limits of the Town of Smyrna; thence with line of the corporate limits of the Town of Smyrna North 46 degrees 13 minutes East 530 feet to a corner; thence continuing with line of the corporate limits of the Town of Smyrna North 42 degrees 6 minutes 14 seconds West 1184.39 feet to the point and place of beginning and containing 68.86 acres of land, be the same more or less.

EXCEPTING THEREFROM, HOWEVER, that portion of said land described in deed of Rebecca Dunn, single woman, to the Town of Clayton dated April 17, 1943 and of record in the Office of the Recorder of Deeds in and for Kent County, at Dover, in Deed Record E, Volume 16, page 454, said lands having heretofore been annexed into the corporate limits of the Town of Clayton on August 15, 1955 (Chapter 519, Volume 50, Laws of the State of Delaware)."

Approved April 11, 1971.

## CHAPTER 32

## FORMERLY SENATE BILL NO. 90

**AN ACT TO AMEND CHAPTER 5, TITLE 7 OF THE DELAWARE CODE, TO EXEMPT MINORS WITH MILITARY TRAINING FROM THE REQUIREMENTS OF THE MANDATORY SIX HOURS REQUIRED INSTRUCTION IN ORDER TO OBTAIN A HUNTING LICENSE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 501, Chapter 5, Title 7 of the Delaware Code, by striking the phrase "and every resident of this State under the age of nineteen years shall have satisfactorily completed six hours of instruction in safety" and substituting in lieu thereof the following:

"and every resident of this State under the age of nineteen years, except those who have completed their basic military training in the use of firearms, shall have satisfactorily completed six hours of instruction in safety."

Approved April 11, 1971.

## CHAPTER 33

FORMERLY HOUSE BILL NO. 65  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 6, TITLE 14, OF THE  
DELAWARE CODE AUTHORIZING THE PAYMENT OF  
TUITION FOR INMATES OF CHILDREN'S HOMES OR  
INSTITUTIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 6, Title 14, is hereby amended by adding the following new Section:

**§ 606. Inmates of Children's Homes or Institutions**

(a) The Board of Education of any school district in which there is located any orphans' home, home for the friendless, children's home, other institutions for the care of orphans or other children, or any institution to which children are assigned by any court for any reason, may at the discretion of such Board of Education permit any children who are inmates of such homes or institutions but not legal residents in such district to attend the public schools in said district; and the district of residence shall be liable for the tuition of such pupils.

(b) If a charge is made by any school district for tuition for the inmates of any homes or institutions who are in attendance in such district's schools, the officers of the homes or institutions shall submit to the Board of Education a sworn statement setting forth the names, ages and school district liable for tuition of all children who desire to attend public schools in the district, and who are inmates thereof as of September 30 of each year, together with a blank acknowledging or disclaiming residence signed by the secretary of the school district in which the home or institution declares the legal residence of the children to be. If the sending district does not return the said blank with an acknowledgment or disclaimer within thirty days from the time it was mailed, the Superintendent of the Department of Public Instruction shall withhold from Division III entitlement the tuition for such inmates from the district of residence upon receipt of a sworn

statement setting forth the names, ages, tuition charges and district of legal residence, such sworn statement to be furnished by the receiving district.”

Section 2. This Act shall become effective on July 1, 1971.

Approved April 11, 1971.

## CHAPTER 34

FORMERLY SENATE BILL NO. 49  
AS AMENDED BY SENATE AMENDMENT NO. 1

## AN ACT TO REINCORPORATE THE TOWN OF BLADES.

WHEREAS, it is deemed desirable that the Charter of the Town of Blades, being Chapter 155, Volume 28, Laws of Delaware, as amended, entitled "An Act to Incorporate the Town of Blades", be consolidated into one complete Act and in certain respects supplemented, amended and revised.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

## INCORPORATION

Section 1. The inhabitants of The Town of Blades within the corporate limits as hereinafter defined in this Charter or as extended as hereinafter provided are hereby declared to be a body politic and corporate in law and equity and shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever by the corporate name of "The Town of Blades".

## TERRITORY AND LIMITS

Section 2. The present boundaries and limits of The Town of Blades are hereby established and declared to be, as follows: Beginning at a point on the southern side of the Nanticoke River at the property line of the Delaware Division of Pennsylvania Railroad; thence running by and with said River to the eastern line of the property known as the Jacob Morgan property; thence south with the said Jacob Morgan property to a white oak standing in the field at a corner known as the Hall and Tull's line; thence from said white oak in a southwestern direction to the boundary of the Mechanic's Cemetery; from thence in a straight line to the Delaware Division of the Pennsylvania Railroad; thence in a northern direction by and with said railroad to the place of

beginning. The Town Council of the Town of Blades may at any time after enactment of this Act cause a survey and a plot to be made of the Town by a Registered Land Surveyor as its limits are established by this Act and the said plot when so made and approved by a Resolution of the Town Council shall be recorded in the Office of the Recorder of Deeds, in and for Sussex County, without any other approval whatsoever, and shall be evidence in all courts of law and equity, said plot being of record in the Office of the Recorder of Deeds, in and for Sussex County, in Deed Book \_\_\_\_\_ at page \_\_\_\_\_ .

### ANNEXATION OF TERRITORY

Section 3. In the event that it becomes feasible or necessary in the future for The Town of Blades to enlarge its then existing limits and territory, such annexation accomplished in accordance with the following procedures shall be lawful:

(a) If five (5) or more property owners resident in a territory contiguous to the then limits and territory of The Town of Blades, by written petition with the signature of each such petitioner duly acknowledged, shall request the Town Council to annex that certain territory in which they reside and own property, the Mayor of The Town of Blades shall appoint a committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of annexation. The petition presented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or, the Town Council, by a majority vote of the elected members thereof, may, by resolution, propose that a committee, composed of not less than three (3) of the elected members of said Town Council, be appointed by the Mayor to investigate the possibility of annexing any certain territory contiguous to the then limits and territory of The Town of Blades.

(b) Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the committee shall submit a written report containing its findings and conclusions to the Mayor and Town Council. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the Town and to the territory proposed to be annexed and shall contain the committee's recommendations whether or not to

proceed with the proposed annexation and the reasons therefor. In the event that the committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, within thirty (30) days after receiving the report, a second resolution shall then be passed by the Town Council proposing to the property owners and residents of both the Town and the territory proposed to be annexed that the Town proposes to annex certain territory contiguous to its then limits and territory. In the event that the committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, within thirty (30) days after receiving the report of the committee, the resolution proposing to the property owners and residents of both the Town and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds of the elected members of the Town Council. If the resolution shall fail to receive the affirmative vote of two-thirds of the elected members of the Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of one year from the date that the resolution failed to receive the required affirmative vote. The second resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The resolution adopted by the Town Council setting forth the above information shall be printed in a newspaper published in The Town of Blades at least one week prior to the date set for the public hearing, or, if no newspaper is published in the Town, publication shall be had in a newspaper having a general circulation both in the Town and in the territory proposed to be annexed, or, at the discretion of the Town Council the said resolution shall be posted in five (5) public places both in the Town and in the territory proposed to be annexed.

(c) Following the public hearing, but in no event later than thirty (30) days thereafter, a resolution shall then be passed by a majority of the Town Council ordering a Special Election to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing on the subject of the proposed annexation. The passage of this resolution shall *ipso facto* be considered the Town Council's determination to proceed with the matter of the proposed annexation.

(d) The notice of the time and place of holding the said Special Election shall be printed within thirty (30) days immediately preceding the date of the Special Election in at least two (2) issues of a newspaper published in the Town, or, if no newspaper is published in the Town, the notice may be printed within thirty (30) days immediately preceding the date of the Special Election in two (2) issues of a newspaper having a general circulation both in the Town and in the territory proposed to be annexed, or, in the discretion of the Town Council, the said notice may be posted in five (5) public places both in the Town and in the territory proposed to be annexed, at least fifteen (15) days prior to the date of the Special Election.

(e) At the Special Election, every property owner, whether an individual, a partnership, or a corporation, both in the Town and in the territory proposed to be annexed, shall have one (1) vote for each One Hundred Dollars (\$100.00) of assessment as shown by the books of the Town in the case of Town property owners and by the records of the Board of Assessment of Sussex County in the case of property owners in the territory proposed to be annexed. Every citizen of either the Town or of the territory proposed to be annexed who is not a property owner shall have one (1) vote. In the case of property owned by a husband and wife jointly, the husband and wife shall each have one (1) vote for each Two Hundred Dollars (\$200.00) of assessment. In the event that a person is the owner of property in the Town and is also an owner of property in the territory proposed to be annexed and resides in either place, he may vote only where he resides. In the event that a person is the owner of property in the Town and is also an owner of property in the territory proposed to be annexed but does not reside in either place, he may vote only in the Town, and not in the territory proposed to be annexed. Property owners whose property is exempt from taxation or is not assessed shall not be entitled to vote. The books and records of The Town of Blades in the case of Town property owners and the books and records of the Board of Assessment of Sussex County in the case of property owners in the territory proposed to be annexed shall be conclusive evidence of the right of such property owners to vote at the Special Election. In the event that an individual holds a Power of Attorney duly executed and acknowledged and specifically authorizing said person to cast the votes of a partnership or corporation at the said Special Election, a duly authenticated copy of the Power of Attorney shall be filed in the office of the Town

Clerk. Said Power of Attorney as so filed shall constitute conclusive evidence of the right of the person so named to cast the votes of another person or to cast the votes of a partnership or a corporation at the Special Election.

(f) The Council shall cause to be prepared, printed and have available a sufficient amount of ballots not less than five (5) days prior to the date of the Special Election.

(g) The form of the ballot shall be as follows:

[ ] For the proposed annexation.

[ ] Against the proposed annexation.

Please mark your preference.

On the reverse side of the ballot shall be the following:

This ballot casts \_\_\_\_\_ votes.

(h) The Mayor shall appoint three (3) persons to act as a Board of Special Election, at least one of whom shall reside and be the owner of property in the Town, and at least one of whom must reside and be the owner of property in the territory proposed to be annexed. One of the said persons so appointed shall be designated the Presiding Officer. Voting shall be conducted in the Town Hall and the Board of Special Election shall have available, clearly marked two (2) ballot boxes. All ballots cast by those persons, partnerships, or corporations authorized to vote as residents or property owners in the territory proposed to be annexed shall be deposited one such ballot box, and all ballots cast by those persons, partnerships or corporations who are authorized to vote as residents or property owners of the Town shall be deposited in the other such ballot box. The polling places shall be opened from 12:00 noon, prevailing time, until 7:00 P.M., prevailing time, on the date set for the Special Election.

(i) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Special Election shall make a certificate under their hands of the number of votes cast for and against the proposed

annexation, and the number of void votes, and shall deliver the same to the Town Council. The said certificate shall be filed with the papers of the Council.

(j) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from the Town and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for at least a period of one (1) year from the date of the Special Election. If a favorable vote for annexation shall have been cast, the Town Council of The Town of Blades shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds for Sussex County, in Georgetown, Delaware, without approval of any board, agency, commission or governing body being required. In no event shall such recordation be completed more than ninety (90) days following the favorable referendum. The territory considered for annexation shall be considered to be a part of The Town of Blades from the time of said recordation. The failure to record the description and plot within the specified time shall not make the annexation invalid but such annexation shall be deemed to be effective at the expiration of the ninety (90) days period from the date of favorable Special Election.

## STRUCTURE OF GOVERNMENT

Section 4. The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein shall be vested in the Mayor and Town Council. The term of the Mayor shall be a period of two (2) years commencing at the Annual Meeting of the Town Council following his election and continuing until his successor is duly elected and qualified.

The Town Council shall be composed of five (5) members, each of whose terms shall be for a period of two (2) years commencing at the Annual Meeting of the Town Council following his election and continuing until his successor is duly elected and qualified.

The Mayor of The Town of Blades and each member of the Town Council of the Town of Blades shall receive a salary of Three Hundred Dollars (\$300.00) per annum.

### **QUALIFICATIONS FOR MAYOR AND TOWN COUNCILMAN**

Section 5. The qualifications for Mayor and for City Councilman at the time of his election shall be as follows:

(a) A bona fide citizen of the United States and of the State of Delaware and a resident freeholder of The Town of Blades for at least three (3) years next preceding the annual election.

(b) At least twenty-five (25) years of age; and

(c) A non-delinquent taxpayer of The Town of Blades of all property taxes levied or assessed by The Town of Blades against his or her freehold for at least one (1) year next preceding the annual election.

(d) Each of the qualifications for the Mayor and the Town Councilman shall be continuing qualifications to hold office and the failure of either the Mayor or any of the Town Councilmen to have any of the qualifications required by this Section during his term of office shall create a vacancy in the office.

(e) For all purposes of this Section, the word "freeholder" shall be deemed to include any person who holds fee simple title to real estate either in his own name, as a tenant in common, as a joint tenant, or as a tenant by the entirety.

### **METHOD OF MAKING NOMINATIONS FOR MAYOR AND TOWN COUNCILMAN**

Section 6. Each candidate for Mayor and Town Councilman shall be nominated as follows:

(a) Each candidate shall notify the Town Clerk in writing of his candidacy for the office of either Mayor or Town Councilman; or five (5) or more persons qualified to vote in the annual election may file the name of the candidate for the office of Mayor or

Town Councilman with the Town Clerk of the Town provided that the candidate endorses his written consent thereon.

(b) All such notifications of candidacy must be filed at the office of the Town Clerk during the regular business hours of the Town at least twenty (20) days prior to the date of the annual election next ensuing; and thereupon, it shall be the duty of the Town Clerk to have a list of names of all candidates so filed with him printed in a newspaper of general circulation in The Town of Blades at least seven (7) full days prior to the said annual election next ensuing; or in the discretion of the Town Council, the Town Clerk may post a list of the names of all candidates designating the office sought by each candidate in at least five (5) public places in the Town, such public places to be designated by the Council. One of the said public places shall be in the Town Hall of The Town of Blades.

(c) In the event that the Town Clerk is unable to act because of illness, absence, or for any other reason whatsoever, the names of all candidates shall be filed with the Vice-President of the Town Council who shall thereupon perform the duties required of the Town Clerk in subsection (b) of this section.

#### **MANNER OF HOLDING ANNUAL MUNICIPAL ELECTION**

Section 7. The procedure for holding the Annual Municipal Election shall be as follows:

(a) The Annual Municipal Election shall be held at the Town Hall in The Town of Blades on the first Monday in March of each and every year from two o'clock in the afternoon, prevailing time, until six o'clock in the evening, prevailing time, the first said Annual Municipal Election to be held pursuant to this Charter to be held on the first Monday in March, A. D. 1972. If there is no contest for any elected office in any particular year, it shall be unnecessary to open the polls and the persons whose terms expire shall be deemed to be elected for another full term.

(b) At the Annual Municipal Election to be held on the first Monday in March, A. D. 1972, three (3) Councilmen shall be elected to serve a term of two (2) years or until their respective successors shall be duly elected and qualified.

(c) At the Annual Municipal Election to be held on the first Monday in March, A. D. 1973, a Mayor and two (2) Councilmen

shall be elected. The Mayor shall be elected to serve a term of two (2) years or until his successor shall be duly elected and qualified. Each of the two (2) candidates for the office of Councilman who receives the highest number of votes shall be elected for a term of two (2) years or until their respective successors shall be duly elected and qualified. The candidate for the office of Councilman who receives the third highest number of votes shall be elected for a term of one (1) year or until his successor shall be duly elected and qualified.

(d) At the Annual Municipal Election to be held on the first Monday in March, A. D. 1974, three (3) Councilmen shall be elected to serve a term of two (2) years or until their respective successors shall be duly elected and qualified.

(e) Thereafter, at each Annual Municipal Election, there shall be elected three (3) Councilmen who shall serve for a term of two (2) years or until their respective successors have been duly elected and qualified except at the Annual Municipal Election in the year when a Mayor is to be elected at which time two (2) Councilmen shall be elected to serve for a term of two (2) years or until their respective successors shall be duly elected and qualified.

(f) The Mayor of The Town of Blades and each member of the Town Council of the Town of Blades who hold office at the time of the passage of this Act shall continue to hold office until their respective successors have been duly elected and qualified.

(g) The Annual Municipal Election shall be conducted by a Board of Election consisting of an Inspector and two Judges appointed by the Mayor of The Town of Blades with the concurrence of a majority of the members of the Town Council at the last regular meeting of the Town Council prior to the date of the Annual Municipal Election. The Board of Election shall determine who is and who is not lawfully entitled to vote thereat, taking reasonable steps to see that the law pertaining to the Annual Municipal Election receives compliance and for the purpose of counting the votes and certifying the result to the Town Council. If any of the officers so chosen and designated to conduct the Annual Municipal Election shall not be present at the polling place at the time designated for the holding of the Annual Municipal Election, it shall be lawful for the qualified voters present at the polling place at the time of holding said Annual

Municipal Election to elect from among themselves a person to fill each vacancy in such Board of Election caused by the absence of any member of the Board of Election. The Board of Election shall keep a list of all persons who voted at such Annual Municipal Election.

(h) At such Annual Municipal Election, every person, male or female, who shall have attained the age of twenty-one (21) years on the date of the Annual Municipal Election and who shall have been a citizen of the United States for a period of one (1) year and a citizen of The Town of Blades for a period of three months preceding the date of the Annual Municipal Election shall have one (1) vote, provided he or she has registered on the "Books of Registered Voters" of The Town of Blades. The Town Council of The Town of Blades shall provide two (2) registers to be known as the "Books of Registered Voters" which are to be kept at the Office of the Town Clerk. The Books of Registered Voters shall contain the following information for each registrant: The name of the registered voter arranged in alphabetical order, the address of the voter, the birthdate of the voter, the date the registrant became a citizen of the United States, the date that the registrant became a resident of The Town of Blades, and any other pertinent information. No person shall be registered upon the Books of Registered Voters unless he will have acquired the qualification to vote in the Annual Municipal Election for the year in which he registers. A person shall be required to register only one time; provided, however, that if a registered voter fails to vote in two consecutive contested Annual Municipal Elections, his name shall be removed from the Books of Registered Voters and notice sent to said registered voter at his last known address by registered mail with return receipt requested advising that his name has been removed from the Books of Registered Voters and that it will be necessary to register again in order to be eligible to vote in the Annual Municipal Election. The Books of Registered Voters shall be maintained in the Office of the Town Clerk and shall be conclusive evidence of the right of any person to vote at the Annual Municipal Election. A person may register at the Office of the Town Clerk during the regular business hours of such office until the close of business of such office on the twelfth day prior to the date of the Annual Municipal Election by completing such forms as may be provided by the Town.

## ORGANIZATION AND ANNUAL MEETING OF COUNCIL

Section 8. (a) Before entering upon the duties of their respective offices, the Mayor elect, and the Councilman elect, shall be sworn by a Notary Public to perform faithfully and impartially the duties of their respective offices with fidelity. At 7:30 o'clock p.m. at the first regular meeting following the annual election, the Mayor and Town Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity as aforesaid.

(b) At this annual meeting, held on the first regular meeting following the Annual Municipal Election, the Town Council shall organize and elect, by ballot, a Vice-President, who shall hold office for the term of one year, or until his successor shall be duly elected. The Town Council shall also choose an Assistant Secretary to serve until the first regular meeting after the next Annual Municipal Election, who may or may not be from among their own number and such other officers and employees as may be determined to be necessary.

## REGULAR AND SPECIAL MEETINGS

Section 9. The Town Council of The Town of Blades shall hold one meeting in each month on the second Monday of the month. If the second Monday of the month shall be a legal holiday, the monthly meeting of the Town Council of The Town of Blades shall be held on the third Monday of the month. Special meetings shall be called by the Secretary upon the written request of the Mayor of The Town of Blades, or upon the written request of any two members of the Town Council of The Town of Blades, stating the day, hour and place of the special meeting requested, and the subject or subjects proposed to be considered thereat. The Secretary shall thereon give written notice to the Mayor and to each member of the Town Council of the day, hour and place of such special meeting and the subject or subjects to be considered thereat. Such notice of the Secretary must be deposited in the United States mail in the main Post Office of The Town of Blades at least forty-eight (48) hours before the time of such special meeting; provided that a written waiver of such notice, signed by the Mayor of The Town of Blades and by all members of the Town Council prior to or immediately upon the convening of such special meeting, shall make such written notice unnecessary and

shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any other business at the meeting, if the waiver so states. The Secretary shall post or cause to be posted in three (3) public places within the corporate limits of The Town of Blades at least forty-eight (48) hours before the time of the special meeting notice of the special meeting, setting forth the day, hour and place of such special meeting and the subject or subjects to be considered thereat; Provided, however, that no such notice shall be required if a written waiver of notice be signed by the Mayor of The Town of Blades by all the members of the Town Council prior to or immediately upon the convening of such special meeting.

### **QUORUM**

Section 10. A majority of the members elected to the Town Council shall constitute a quorum at any regular or special meeting; but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

### **RULES AND MINUTES OF COUNCIL**

Section 11. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings and the yeas and nays shall be entered in the journal with the text of the ordinance or resolution.

### **VACANCIES**

Section 12. If any vacancy shall occur in the office of Mayor or Councilman, by death, resignation, loss of residence in The Town of Blades, refusal to serve, failure to elect, or otherwise, the same may be filled by a majority vote of the members of the Town Council, the person or persons so chosen to fill such vacancy or vacancies shall be qualified as in the case of newly elected members, and shall hold office for the remainder of the unexpired term.

### **DISQUALIFICATIONS**

Section 13. If any Councilman or Mayor, during his term of office, shall be found guilty of any crime or misdemeanor and

sentenced to imprisonment, for any term whatever, or shall for any reason cease to be resident of said Town, he shall forthwith be disqualified to act as a member of Council or Mayor, and his office shall be deemed vacant and shall be filled by Council, as aforesaid.

## CONTRACTS

Section 14. (a) It shall be unlawful for the Town Council to make or enter into any contract in excess of Five Hundred Dollars (\$500.00) for materials, supplies, work or labor for the benefit and use of The Town of Blades with any member of the Town Council or the Mayor or with any partnership in which any member of the Town Council or the Mayor is a general partner or with any corporation in which any member of the Town Council or the Mayor is a director or controlling stockholder or with any firm or company which any member of the Town Council or Mayor is pecuniarily interested, provided that if all the other elected members of the Town Council shall vote to enter into such contract, then the Town may enter into such a contract. Any such contract executed without such unanimous vote shall be absolutely null and void.

(b) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by competitive bidding and the awarding of contracts to the lowest responsible bidder; PROVIDED, HOWEVER, that competitive bidding shall not be required in any of the following circumstances:

1. The aggregate amount involved is not more than Two Thousand Dollars (\$2,000.00);
2. The purchase or contract is for personal or professional services;
3. The purchase or contract is for any service rendered by a university, college or other educational institution;
4. The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision thereof;
5. The purchase or contract is for property or services for which it is impracticable to obtain competition;

6. The public exigency as determined by the Town Council will not permit the delay incident to advertising;

7. The materials to be purchased are to be used to complete a project under the supervision of the Town Clerk;

8. The purchase or contract is for property or services for which the Town Council determines the prices received after competitive bidding are unreasonable as to all or part of the requirement or were not independently reached in open competition;

9. A public emergency as determined by the Town Council exists.

#### **DUTIES OF THE MAYOR AND PRESIDENT OF TOWN COUNCIL**

Section 15. (a) The Mayor of The Town of Blades shall be President of the Town Council and shall preside at all meetings thereof, but shall vote only in the event of a tie. He shall appoint all committees, receive complaints of nuisances, and other complaints of citizens concerning violations of law and ordinances. He shall present a report of complaints of nuisances and violations of law and ordinances to the Town Council at the first regular meeting thereafter. He may require the Alderman or the Assistant Alderman, as hereinafter provided for in this Act, or the resident Justice of the Peace to proceed upon such infractions or violations of law or ordinances immediately in the event that he deems such action to be required.

(b) The Mayor within thirty (30) days following his election may appoint, by and with the advice and consent of a majority of the elected members of the Town Council, two suitable persons who shall be qualified voters of The Town of Blades to act as Alderman and Assistant Alderman. The persons so selected and designated need not be Justices of the Peace. Both the Alderman and the Assistant Alderman shall hold office until each successor shall be appointed or chosen.

(c) The Mayor shall be a Conservator of the Peace and shall have concurrent jurisdiction with the Alderman. If no Alderman or Assistant Alderman is appointed, the Mayor may perform all the duties prescribed for that office and all fines, penalties and

fees collected by him shall be paid to the Town Clerk. The Town Council shall procure a suitable record for such Mayor which shall be known as the "Mayor's Docket" upon which his official acts as set forth in this Section shall be enforced and kept.

(d) The Mayor and the Alderman shall on the first regular meeting in each month report to the Town Council all fines, penalties and fees imposed by them during the preceding month and pay over to the Town Clerk all such fines, penalties, and fees due to the Town received by them during said time, and any default of making such report and payment for a period of twenty (20) days after such report should be made, and such fines and penalties should be paid as aforesaid, they shall be deemed guilty of a misdemeanor and upon conviction thereof by information, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

(e) The Mayor may for any reasonable cause, by and with the consent or upon the address of a majority of all members of the Council, remove from the office, any person appointed by him or by any of his predecessors. The person against whom the Mayor or the Council may be about to proceed shall receive five days notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and a fair hearing, if such a request is received by the Mayor by registered mail with return receipt requested ten (10) days following the date that notice of removal is received by such person.

(f) The Mayor may appoint such other committees as he deems necessary for the proper administration of The Town of Blades or the Council may, by resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry out the provisions of this Act.

(g) It shall be the duty of the Vice-President of the Town Council, in the absence of the Mayor to preside at all of the meetings of the Town Council and in the event of the absence of the Mayor to perform such other duties and have such other powers of the Mayor as are prescribed by the Charter of the Town of Blades or by any ordinance of the Council.

## TOWN CLERK

Section 16. (a) The Mayor of The Town of Blades, by and with the advice of a majority of all the elected members of the Town Council, shall appoint a Town Clerk who shall be the Chief Administrative Officer of the Town.

(b) The Town Council shall impose such qualifications for Town Clerk as may be deemed necessary; PROVIDED, HOWEVER, that no person holding the Office of Mayor of the Town of Blades, or the Office of Town Councilman nor shall any parent, child, brother or sister of the Mayor or Councilman of the Town of Blades be appointed Town Clerk during the term of office of such Mayor or Councilman.

(c) The Town Clerk shall hold office for an indefinite term and may be removed by a majority vote of all the elected members of the Town Council. In the event of a tie, the Mayor of the Town of Blades shall cast the deciding vote. At least thirty (30) days before such removal shall become effective, the Town Council shall, by a majority vote, adopt a preliminary resolution stating the reasons for removal. The Clerk may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days nor more than thirty (30) days after the filing of the request. The request for a public hearing by the Clerk shall be by registered or certified mail with return receipt requested and shall be addressed to the Mayor of The Town of Blades. After such public hearing, if one be requested, the Town Council, by a majority vote, may adopt a final resolution of removal. By the preliminary resolution, the Town Council may suspend the Clerk from duty, with or without salary during the period of suspension, but shall cause to be paid to him any part of his salary which is due and owing at the time of suspension. If no public hearing is requested, the Town Council, at the expiration of thirty (30) days from the date of the preliminary resolution, shall adopt a final resolution either reinstating the Clerk or terminating his employment. For all purposes of this Section, in the event of a tie vote, the Mayor of the Town of Blades shall cast the deciding vote. All members of the Town Council of The Town of Blades who are entitled to vote and who are present shall vote for or against the removal of the Clerk.

(d) The Town Clerk shall give bond with a corporate surety acceptable to the Town Council in an amount determined by the Town Council to be adequate conditioned upon the faithful performance of his duties, the payment to the Town of Blades of all money coming into his hands as Town Clerk from whatever source derived, and in the event of death, resignation, or removal from office, the delivery to his successor of all papers, books, records and other property of the Town of Blades in his hands or under his control. The expense of the bond shall be paid by The Town of Blades.

(e) The Town Clerk shall receive as compensation for his services an annual salary to be fixed from time to time by a resolution of the Town Council, payable in weekly installments.

(f) The Town Clerk shall attend all meetings of the Town Council and shall act as Secretary thereof, keeping proper and adequate minutes of its acts and proceedings. The Town Clerk shall be in attendance at his office on such days and between such hours as may be directed by the Town Council.

(g) The Town Clerk shall keep a record of all officers, agents and employees of the Town, when elected or appointed, the term of office or employment, and the salary or compensation thereof.

(h) The Town Clerk shall keep the assessment books and tax records of the Town with the names of the taxpayers arranged alphabetically showing the tax, a short description of the property, its assessed valuation, and all other assessments and charges due the Town.

(i) The Town Clerk shall collect all taxes, license fees, water rentals, sewer charges and all other money due to be paid to the Town pursuant to the provisions of this Charter or any amendment thereto, or as prescribed by any ordinance or resolution of the Town Council and he shall keep separate, complete and accurate records of all funds received and due to be paid to the Town.

(j) The Town Clerk shall act as Treasurer of The Town of Blades and shall promptly deposit in such bank or trust company designated by resolution of the Town Council all funds received

by him and as may be directed by resolution of The Town Council, keep and maintain separate accounts for funds received from the payment of taxes, license fees, water rentals, sewer charges, or otherwise. He shall keep a full and complete record of all disbursements made by him.

(k) The Town Clerk shall make such appointments and hire such employees at such compensations as the Town Council may from time to time determine. All employees shall be hired for an indefinite term and may be removed by the Town Clerk at any time unless otherwise provided by Council. He shall exercise his sole discretion in the appointment or hiring of any such employees; PROVIDED, HOWEVER, that if a resident or residents of the Town, competent to perform the work required by the Town Clerk, can be found such resident or residents shall be given first choice. The Town Clerk shall be the sole judge of the competence or incompetence of any such person. The Town Council of The Town of Blades shall sit as a Board of Appeal to review the removal of any employee or employees at such times when a majority of the elected members of the Town Council shall deem it in the best interest of the Town to do so. The decision of the Town Council in such cases shall be conclusive.

(l) It shall be the duty of the Town Clerk to supervise the administration of the affairs of the Town under his charge and to make such reports to the Town Council as are required by it. He shall make such recommendations to the Town Council concerning the affairs of the Town as may seem to him desirable. He shall keep the Town Council advised of the financial condition of the Town and of its future needs. He shall prepare and submit to the Town Council the annual budget estimate.

(m) In conjunction with the Mayor of The Town of Blades, the Town Clerk shall sign all checks pursuant to appropriations or resolutions made by the Town Council. In the absence of either the Mayor or the Town Clerk, the Vice-President of the Town Council shall sign checks.

(n) The Town Clerk shall prepare and submit to the Town Council such reports as may be required by that body and shall perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Town Council.

(o) In case of the absence or disability of the Town Clerk, the Town Council may designate some qualified person to perform the duties of such office during his absence or disability.

#### **ASSISTANT SECRETARY**

Section 17. The duties and powers of the Secretary as hereinbefore prescribed shall devolve upon the Assistant Secretary in the absence or inability of the Secretary. The Assistant Secretary shall likewise perform such other duties and have such other powers as may be prescribed by resolution by the Town Council of The Town of Blades, and shall receive such compensation as the Town Council by resolution shall determine.

#### **ALDERMAN AND ASSISTANT ALDERMAN**

Section 18. (a) The Mayor may appoint some suitable person to act as Alderman and may appoint some suitable person to act as Assistant Alderman. Any person appointed by the Mayor to serve as Alderman or Assistant Alderman shall be at least twenty-one (21) years of age, shall be of good character and reputation and shall be a resident of The Town of Blades and shall not be a member of the Town Council of The Town of Blades. Any person appointed by the Mayor to serve as Alderman or Assistant Alderman shall be appointed for an indefinite term and any such appointment shall be confirmed by a majority of all members of the Town Council of The Town of Blades. Either the Alderman or the Assistant Alderman may be removed from office at any time, with or without cause, by the affirmative vote of two-thirds of all the elected members of the Town Council of The Town of Blades.

(b) Before entering upon the duties of his office, the persons appointed by the Mayor to serve as Alderman and Assistant Alderman shall be sworn or affirmed by the Mayor to perform the duties of his office honestly, faithfully and diligently and to uphold and enforce the Charter of The Town of Blades and ordinances duly enacted by the Town Council of The Town of Blades and to carry into effect all orders of the Town Council of The Town of Blades made pursuant to any law of this State. The Assistant Alderman shall perform the functions of the Alderman if the Alderman is unavailable and at such other times as may be designated by the Mayor. During such periods, the Assistant Alderman shall have all the powers and duties of the Alderman.

(c) The Town Council shall procure a suitable record for the use of the Alderman and the Assistant Alderman. Such record shall be known as the "Alderman's Docket". The Alderman and the Assistant Alderman shall each record all official acts and proceedings in the "Alderman's Docket".

(d) The Alderman and the Assistant Alderman shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the corporate limits of The Town of Blades so far as to arrest and hold for bail, or fine and imprison offenders for any offense, penalty or forfeiture prescribed by the Charter of The Town of Blades and any ordinance enacted thereunder; of all neglects, omissions or defaults of any City Officer, agent or employee; PROVIDED, HOWEVER, that neither the Alderman nor the Assistant Alderman shall impose any fine in excess of Five Hundred Dollars (\$500.00) nor imprison any offender for more than sixty (60) days except as otherwise provided in the Charter of The Town of Blades. The Alderman and the Assistant Alderman may in addition to any fine or term of imprisonment permitted to be assessed or imposed, impose or collect such costs as set by ordinance by the Town Council of the Town of Blades; PROVIDED, HOWEVER, that no cost shall be imposed which is in excess of that which may be imposed by a Justice of the Peace for like service.

(e) The Alderman and the Assistant Alderman shall prepare and submit a monthly report to the Town Council reporting all fines and penalties imposed during the preceding calender month and shall pay to the Town Clerk of the Town of Blades all such fines and penalties.

(f) The Alderman and the Assistant Alderman shall receive such compensation as may be fixed from time to time by resolution of the Town Council.

(g) If any Alderman or Assistant Alderman shall be removed from office as hereinbefore provided, he shall deliver to the Town Clerk, within two (2) days after his removal from office, all the books and papers belonging to his office, and shall pay over to the Town Clerk all monies in his hands within five (5) days after receiving the notice of his removal from office. Immediately after the receipt of the books and papers belonging to the office of either the Alderman or the Assistant Alderman, the Town Clerk

shall require the auditor of the Town, appointed as hereinafter provided, to make an audit of the books and papers of the official so removed from the office. Upon the neglect or failure to deliver all the books and papers to the Town Clerk, within the time specified by this Charter or to pay over all the monies to the Town Clerk within the time specified, the Alderman or Assistant Alderman, so removed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined no less than Twenty-five (\$25.00) Dollars nor more than One Hundred Dollars (\$100.00) for each day that he fails to deliver the books and papers to the Town Clerk or to pay over all monies to the Town Clerk.

### **POWER TO BORROW MONEY AND ISSUE BONDS**

Section 19. The Town Council may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of The Town of Blades, to provide funds for the erection, the extension, the enlargement, the purchase or the repair of any plant, machinery, appliance, or equipment, for the supply, or the manufacture and distribution of electricity or gas for light, heat or power purposes; for the furnishing of water to the public; for the construction, repair or improvements of highways, streets, or lanes, or the paving, curbing or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the cost or the share of The Town of the cost of any permanent municipal improvements; provided, however, that the borrowing of money therefor shall have been authorized by the Town Council and shall have been approved by the electors in the manner and at the time following:

(a) Council by resolution shall propose to the electors of the Town by resolution that a stated amount of the money shall be borrowed for any of the above purposes. The resolution shall state the amount of the money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and other pertinent facts relating to the loan which are deemed pertinent by the Town Council and in their possession, and shall fix a time and place for hearing on the said resolution.

(b) Notice of the time and place of the hearing on the resolution authorizing said loan shall be printed in a newspaper having a general circulation in the City and or, in the discretion of

the Town Council, distributed in circular form at least one week before the time set for said hearing.

(c) A second resolution shall then be passed by Council ordering a special election to be held not less than thirty days and not more than sixty days after said hearing to borrow the said money, for the purpose of voting for or against the proposed loan. The passing of the second resolution calling the special election shall *ipso facto* be considered Council's determination to proceed in the matter in issue.

(d) The notice of the time and place of holding the said special election shall be printed in two issues of a newspaper having a general circulation in The Town of Blades within thirty days prior to the election, and or distributed in circular form at least fifteen days prior to the election or both at the discretion of the Council.

(e) At the special election, every owner of property, whether an individual, partnership or corporation, shall have one (1) vote and the said vote may be cast either in person or by proxy. In the case of property owned jointly by husband and wife, the vote shall be cast by either the husband or wife who first presents himself at the polls. In the case of all other property owned by more than one property owner either as tenants in common or as joint tenants with the right of survivorship, the vote shall be cast by either tenant in common or by either joint tenant who first presents himself at the polls. Property owners whose property is exempt from taxation or is not assessed shall not be entitled to vote.

(f) The Town Council shall cause to be prepared, printed and have available a sufficient number of ballots not less than five (5) days prior to the date of the Special Election.

(g) The Mayor shall appoint three (3) persons to act as a Board of Special Election to conduct the Special Election.

(h) The Board of Election shall count the votes for and against the proposed loan; and shall announce the result thereof; shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and shall deliver the same to the Council, which said certificates shall be entered on the

minutes of the Council, and the original shall be filed with the papers of the Council.

(i) The form of bond or certificate of indebtedness, the interest rate, the time of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Council after said public hearing. The bonds may be sold at either public or private sale as determined by the Town Council. The Council may provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bonds at the maturity or maturities thereof, a sinking fund therefor. The faith and credit of The Town of Blades shall be deemed to be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value, and there shall be no limitation upon the amount of taxes which may be raised by taxation for the payment of interest on and principal of any bonded indebtedness whether incurred before or after the passage of this Act.

(j) The bonded indebtedness shall not at any time exceed in the aggregate the total sum of Twenty-five per centum (25%) of the value of the real property situate within the limits of the Town as shown by the last assessment preceding the creation of the said indebtedness.

In the event The Town of Blades should construct or acquire any plant, machinery, appliance, or equipment for the supply of electricity or gas for light, heat or power purposes to the outlying communities provided that this authority shall not exceed a distance of One Mile beyond the limits of said Town as set forth herein or as extended by annexation as herein provided, and provided that such extension will not incur indebtedness in excess of the bonded limit of said Town and to do all things necessary to carry out this authority.

#### **TOWN SOLICITOR**

Section 20. At the first regular meeting following the Annual Election, The Town Council of the Town of Blades shall re-elect and appoint a Town Solicitor. The Town Solicitor shall be a member in good standing of the Bar of the State of Delaware with offices in Sussex County. It shall be his duty to give legal

advice to the Mayor and the Town Council and other officers of the Town and to perform such other legal services as may be required by the Town Council.

### **BOARD OF HEALTH**

Section 21. (a) The Board of Health shall consist of four (4) members, one of whom shall be a practicing physician. The Board shall be appointed by The Town Council at the first regular meeting following the Annual Election hereinbefore provided and shall serve for one year or until their successors are duly appointed and qualified. The Board of Health shall have cognizance of and interest in the life and health of the people of the Town. It shall report to the Town Council, in writing, whatever is deemed by the Board to be injurious to the health of the people of the Town, and shall make recommendations to the Town Council concerning whatever may contribute to the health and sanitation of the people. The Board shall organize by the election of a President and Secretary within ten (10) days after the notice of their appointments, and shall keep a record of their proceedings and acts. The Secretary shall be the executive officer of the Board.

(b) The Secretary of the Board may be allowed a reasonable annual compensation for his services which shall be determined by the Town Council, and no other compensation shall be paid to the Secretary for his services as such. The Secretary may or may not be a member of the Board of Health appointed by the Town Council, but he shall be a resident of the Town.

(c) The power to adopt ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of infections or contagious diseases or nuisances affecting the same, shall extend to area outside of the Town within one mile from said limits.

### **POLICE FORCE**

Section 22. (a) It shall be the duty of the Town Council to appoint a Police Force, consisting of a Chief of Police and such members or subordinates as the Town Council may deem wise. The Town Council shall, from time to time, make rules and regulations as may be necessary for the organization, government, and control of the Police Force. The Chief of Police and the

members of the Police Force shall be subject to the direction of The Town Council and may be removed by the Town Council at any time. They shall preserve peace and order, and shall compel obedience within the corporate limits and within One (1) mile outside the corporate limits to the ordinances of the Town and the laws of the State of Delaware. They shall have such other duties as the Town Council shall, from time to time, prescribe.

(b) Each member of the Police Force shall be vested, within One (1) mile of the corporate limits of The Town of Blades, with all the powers and authority of any Constable of Sussex County and in the case of a pursuit of an offender their power and authority shall be without territorial limitations.

(c) Every person sentenced to imprisonment shall be delivered by a member of the Police Force to the County Jail of Sussex County, or to the lockup of the Town, to be there imprisoned for the term of the sentence.

(d) It shall be the duty of the Police to suppress riotous, disorderly or turbulent assemblage of persons in the streets of the Town, or the noisy conduct of any person in the same, and upon view of the violation of any ordinance of the Town relating to the peace and good order thereof, the Police shall have the right and power to arrest without warrant and to take the offender before the Alderman or Assistant Alderman or before any Justice of the Peace in Sussex County for hearing thereon.

### ASSESSOR

Section 23. (a) At the first regular meeting following the annual election, it shall be the duty of the Town Council to appoint an Assessor. The Assessor shall be over the age of Twenty-Five (25) years, a bona fide resident of The Town of Blades and a freeholder of the Town.

(b) On good behavior, the term of office of the Assessor shall be one year and shall expire on the date of the first regular meeting of the year succeeding his appointment.

(c) He shall be sworn or affirmed by the Mayor of The Town of Blades to perform his duties with fidelity and without favor. It shall be his duty to make a fair and impartial assessment.

of property and persons subject to taxation situated within the Town and to perform such other duties in reference thereto as shall be prescribed, from time to time, by the Town Council.

(d) The compensation to be by him received for the performance of his duties and the hiring of employees to assist him in the performance of his duties shall be fixed by and subject to the approval of the Town Council.

### ASSESSMENT OF TAXES

Section 24. (a) The Assessor shall, prior to the first day of September, make a just, true and impartial annual valuation or assessment of all real estate within the Town of Blades. In making such assessment, the rules and exemptions now applicable by law to the making of the County Assessment of persons and properties shall be applicable insofar as consistent with the provisions of this Charter. All real estate shall be described with sufficient particularity to be identified. Real estate and improvements located thereon shall be assessed to the owner or owners if he or they be known. If the owners or owner cannot be found or ascertained, it may be assessed to "Owner Unknown". A mistake in the name of the owner or owners, or a wrong name, or an assessment to "Owner Unknown", shall not affect the validity of the assessment of any municipal tax or assessment based thereon; provided the assessment shall specify the last record owner or owners thereof as the same shall appear from the records in the Office of the Recorder of Deeds of Sussex County at Georgetown, Delaware.

(b) The Assessor shall also make a personal assessment of all the male and female citizens of the Town above the age of twenty-one years. He shall also make a personal assessment against all person or persons residing within the limits of the Town whether he be an owner of said real estate or not; said personal assessment shall be determined by the Town Council and certified to the Assessor. Said personal assessment or per capita tax, in the case of both resident and non-resident real estate owner, shall be in addition to the assessment levied on the real estate so owned by and assessed against him.

(c) The Assessor, after making such annual assessment, shall at the first regular meeting in September, aforesaid, deliver to the Town Council, a list containing the names of all persons assessed

and the amount of the assessment against each. He shall also deliver at such time as many copies of said list as the Town Council shall direct.

(d) The annual assessment list shall distinguish the real and personal assessment of each person and shall also be arranged so that the land, the improvements thereon, and the per capita assessment shall appear in separate column of spaces. In making its assessment, the Assessor shall make his valuation accordingly.

(e) The real property of the Assessor shall be assessed by the Town Council.

(f) Immediately upon receiving the annual assessment list from the Assessor, the Town Council shall cause a full and complete copy of the same containing the amount assessed to each taxable to be hung up in a public place in The Town of Blades, and there it shall remain for a period of at least ten (10) days for the information of and examination by all concerned. Appended thereto and also in five or more public places in said Town shall be posted notices advising all concerned that, upon a certain day mentioned therein and not earlier than ten (10) days after the date of posting of the true and correct copy of the annual assessment list and notice, between the hours of one o'clock p.m. and five o'clock p.m., the Town Council will hold a Board of Appeals, at which time and place they shall hear appeals from the said annual assessment. The decision of the Town Council, sitting as a Board of Appeals, shall be final and conclusive and the said Town Council shall revise and complete said assessment at this sitting. No councilman shall sit upon his own appeal but the same shall be heard and determined by the other members of the Town Council.

(g) The Assessor shall be present on the day fixed for hearing appeals and shall furnish to the Town Council such information and answer such questions as the Town Council may require in respect to any assessment from which an appeal has been taken. The Town Council shall have authority to enforce his attendance by appropriate process.

### LEVY OF ANNUAL TAXES

Section 25. (a) At the first regular meeting in November, after having revised and completed the assessment, the Town

Council shall determine to their best judgment and knowledge the total amount necessary to be raised by the Town to meet all fixed and anticipated expenses and obligations of the Town, including reasonable and appropriate reserves, for the then current fiscal year as set forth in the Town Budget for such year plus a reasonable amount to cover unanticipated expenses and emergencies; PROVIDED, HOWEVER, that for the period from the end of the present fiscal year until December 31, 1970, the Town Council shall use the same assessment and tax rate and shall prorate the amount of taxes due for the period from the end of the present fiscal year until December 31, 1971; AND PROVIDED, FURTHER, that the Town Council of the Town of Blades shall employ the procedures of this Section in levying taxes to be paid for the period beginning January 1, 1971, and ending December 31, 1971, and for each fiscal year thereafter.

(b) It shall then proceed to determine, in its sole discretion, from which sources of the authorized revenues of the Town the amount so determined by them shall be raised and, within the limits prescribed by this Charter with respect to any such source, the amount to be raised from each such source.

The Town Council shall then proceed to determine, assess, fix and/or levy the following:

a. The rate of tax on real estate and on improvements located thereon per \$100 of assessed value; and/or

b. The amount of personal or per capita tax upon each qualified voter; and/or

c. The rate of tax upon all poles, constructions, erection, wires, and appliances more particularly mentioned or intended so to be, in Section 27 (32) of this Charter, as amended; and/or

d. The rates to be charged for the supplying of water, sewer service, and other utility services and the several amounts thereof;

e. The several license fees to be charged for carrying on or conducting of the several businesses, professions, or occupations more particularly mentioned, or intended so to be in Section 27 (33) of this Charter, as amended; and/or

f. The fees or rates to be charged in respect of any other authorized source of revenue sufficient in their best judgment and estimation to realize the amount to be raised from each such source determined by them to be used, as aforesaid; provided, however, that sources "d", "e" and "f" aforementioned may be determined, fixed, assessed, levied and/or altered or changed upon other than a fiscal year basis and at any other regular or special meeting of the Council as it, in its own proper discretion, shall determine.

(c) Immediately after the first regular meeting in November of each and every year, the Town Council shall make, or cause to be made, a full, true and correct annual tax list showing the amount of tax levied against each taxable thereon from sources a, b, and c, above mentioned. This list shall be known as the annual tax list of The Town of Blades. In addition to the information contained in the assessment list, it shall likewise contain information as to the rate of tax upon real estate and upon improvement located thereon per \$100 of assessed value thereof.

(d) The Town Council shall cause to be delivered to the Town Clerk a duplicate of said annual tax list, and the Town Clerk shall immediately proceed to collect the same as hereinafter provided.

(e) Nothing contained in this Charter shall be construed to effect or impair in any way the validity of any tax, fee, assessment, or other charge lawfully levied, assessed, or due the Town of Blades under existing laws in reference to said Town and the same are hereby declared to be valid, binding and vested in The Town of Blades created hereby.

### COLLECTION OF ANNUAL TAXES

Section 26. (a) The Town Clerk, as soon as the Town Council shall have placed in his hands the duplicate annual tax list, shall proceed at once to collect the taxes on said duplicate list.

(b) All taxes so levied or imposed by the Town of Blades in such annual tax list, shall be and constitute a lien upon all the real estate of the taxable against or upon whom such taxes are laid or imposed, of which such taxable was seized, at any time after such taxes have been levied and imposed, that is situated in The Town

of Blades. Such lien shall have preference and priority to all other such liens on real estate or upon improvements located thereon created or suffered by said taxable although such other lien or liens be of a date prior to the time of the attaching of such lien for taxes; provided, that the lien for such Town taxes shall remain a lien for a period of ten (10) years from the date upon which the Town Council shall deliver unto the Town Clerk the tax list therefor. If such real estate remains the property of such person or persons who owned it at the time the tax was laid, then the lien shall not be extinguished until the tax is collected.

(c) All taxes shall be paid to the Town Clerk of The Town of Blades, and all taxes shall be due and payable at and from the time of delivery of the tax list to the Town Clerk.

(d) All taxes shall be paid at the Town Office and payable to the Town of Blades.

(e) In the collection of said taxes, the said Town Clerk shall, on all taxes paid on or after the first day of January and on or before the last day of January next succeeding the delivery of the annual duplicate tax list to the Town Clerk, there shall be no deduction or abatement. On all taxes paid after the last day of January next succeeding the delivery of the annual duplicate tax list to the Town Clerk, there shall be added an amount equal to one per centum (1%) per month for each and every month such taxes shall remain unpaid and shall be collected in the same manner as the original amount of the tax.

(f) On the same day of the month of the second year following the delivery of the duplicate annual tax list to the Town Clerk, the Town Clerk shall make full, final and complete settlement with the Town Council. The settlement shall take place on that day in the room in which the Town Council holds their meetings. At such settlement, the Town Council shall allow to the Town Clerk all taxes which shall have been impossible to collect by reason of errors in the assessment list, delinquencies or otherwise. No allowance shall be made for the default of neglect or delay of the Town Clerk. The settlement shall be final and conclusive and no other allowance, in any form, shall be made to the Town Clerk by the Town Council. Upon the conclusion of the settlement, the Town Clerk shall pay over to The Town of Blades the aggregate amount of the taxes found to be due the Town.

Upon his failure or neglect to do so, it shall be the duty of the Town Council to proceed to collect the same from the Town Clerk and/or his surety. Default by the Town Clerk to the Town in any sum, shall, *ipso facto*, vacate his office; provided, however, that the Town Council, for good cause shown shall have the power to extend the time for settlement by the Town Clerk for a period not exceeding six months.

### ENUMERATION OF POWERS

Section 27. Not by way of limitation upon the power vested in the Town Council to exercise all powers delegated by this Charter to the municipal corporation except as may expressly appear herein to the contrary, but, rather, by way of enumeration and for purposes of clarity, the Town Council is vested by this Charter with the following powers, to be exercised by said Town Council in the interest of good government and the safety, health and welfare of the Town, its inhabitants and affairs that is to say:

1. To prevent vice, drunkenness and immorality.
2. To provide for and preserve the health, peace, safety, cleanliness, ornament and good order of the Town and its inhabitants.
3. To prohibit all gaming and fraudulent devices.
4. To prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements and games.
5. To ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress, macadamize, pave, gravel, shell, improve, dredge, erect, remove, repair or replace any new or present street, highway, lane, alley, watercourse, park, lake, strand, crosswalk, wharf, dock, sewer, drain, aqueduct, or pipe line, or portion thereof, in the Town; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; and to enter into contracts or agreements for the doing thereof, including contracts or agreements with the State Highway of the State of Delaware for the permanent maintenance, repair and upkeep of any street, lane, alley, roadway, or other highway within the Town.

6. To establish and regulate pounds and to restrain, prohibit and empound any domestic or wild animal, beast, bird or fowl running at large, and to authorize the destruction of the same, and to impose taxes on the owners of dogs and to regulate the keeping of livestock, poultry and dogs.

7. To locate, regulate, license, restrain or require the removal of slaughter houses, wash houses, laundries, canning establishments, phosphate, fish, fertilizer or manure plants or establishments, swine pens, privies, water closets and any businesses or buildings or conditions detrimental to the public health or constituting a public nuisance or of an offensive or noxious nature.

8. To purchase or otherwise acquire, or to construct, lay out, fence and maintain one or more cemeteries within the corporate limits of The Town of Blades and to use or permit the use thereof for the burial of human beings and to assess the owners of the various lots thereof annually for the care of said cemetery.

9. To enforce the removal of snow, ice, dirt or other foreign substance from sidewalks and gutters by owners or abutting owners.

10. To prohibit, remove, or regulate the erection and maintenance of any stoop, step, platform, bay window, cellar door, gate, area, descent, sign, post, or any other erection of projection in, over, upon or under any street, highway, alley, lane, watercourse, park, lake, strand, sidewalk, crosswalk, wharf, dock, sewer, drain, aqueduct or pipeline of the Town.

11. To define, prevent, abate or remove nuisances, obstructions or any condition detrimental to the public safety, health or welfare.

12. To provide an ample supply of pure water for The Town and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control, and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in and about the collection, storage, purification, conveyance, distribution or sale of water; to

regulate and prescribe for what private or public purposes the water furnished by the municipal corporation may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any wilful or negligent injury or damage to or interference with the water system or equipment of the Town; to furnish, or refuse to furnish, water from the Town system to places and properties outside the Town limits; and to contract for and purchase water and distribute the same to users within or without the Town with the same full powers as though such water had been initially reduced to usefulness by the municipal corporation itself.

13. To provide, construct, extend, maintain, manage and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the Town; to regulate and prescribe for what private or public purposes the system may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any wilful or negligent injury or damage to, or interference with the said system, plant or facilities; to furnish or refuse to furnish, sewer disposal service from the Town system to places and properties outside the Town limits; in the interest of the public's health, to compel any and all properties in the Town to be connected to the sewer system of the Town; and to contract for and purchase sewer disposal service and to resell the same to users within or without the Town with the same full powers as though such service had been initially provided by the facilities therefor of the municipal corporation itself.

14. To provide, construct, extend, maintain, manage and control a plant and system, or plants and systems, for the generating, manufacturing and distributing of electric current or gas, or both, to the inhabitants of the Town and for lighting the streets, highways, lanes, alleys, watercourses, parks, lakes, strands, sidewalks, crosswalks, wharves, docks, public buildings or other public places of the Town, and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of transmission and distribution lines, pipes, mains and other conveyances for any such current or gas as may be necessary properly to light the Town, and to furnish proper connections for electric current and gas to the properties of the

inhabitants of the Town who may desire the same; to regulate and prescribe for what private or public purpose the current or gas furnished by the municipal corporation may be used, the manner of its use, the amount to be paid by the users thereof, the mains whereby such amounts shall be collected and the fines or penalties or both, for any wilful or negligent injury or damage to or interference with the electric or gas system or systems to places and properties outside the Town limits; and to contract for and purchase electric current or gas and distribute the same to user within or without the Town with the same full powers as though such current or gas had been initially reduced to usefulness by the municipal corporation itself.

15. To fully control within the Town the drainage of all water and, to that end, to alter or change the course and direction of any natural water course, runs or rivulet within the Town, to regulate, maintain, clean and keep the same open, clean and unobstructed, and to provide, construct, extend, maintain, manage and control a surface water drainage system and facilities for the health, sanitation and convenience of the inhabitants of the Town.

16. To provide, construct, extend, maintain, manage, and control jetties, bulkheads, embankments, flood gates, piers, boardwalks, or fills for the preservation of any strand or highland within the limits of the Town or contiguous thereto, to the end that the same may be preserved, property protected and the general public might enjoy the use thereof.

17. To grant franchises or licenses to any responsible person, firm, association or corporation, for such period of time, upon such terms, restrictions, stipulations and conditions and for such considerations as the Town Council shall deem wise, to use the present and future streets, highways, lanes, alleys, watercourses, parks, lakes, strands, sidewalks, crosswalks, wharves, docks, and other public places of the Town for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph, railroad excepting railroads or railways engaged in interstate commerce, bus, taxi or other transportation, carrier or public service to the Town and to the persons, firms, or corporations residing or located therein and for the purpose of transmitting the same from or through the Town to points outside the limits thereof, and for the purpose of erecting wharves and piers, and for the purposes of vending any article of merchandise

or service upon, or from any vehicle upon any such present and future street, highway, lane, alley, etc.; provided, that no exclusive franchise or license shall be granted for any such purpose to any person, firm, association or corporation whomsoever.

18. To regulate and control the exercise of any license or franchise mentioned in Section 29 (17) of this Charter or intended so to be.

19. To direct, regulate and control the planting, rearing, treatment and preserving of ornamental shade trees in the streets, highways, avenues, parks and grounds of the Town and to authorize or prohibit the removal or destruction of said trees.

20. To direct the digging down, draining, filling up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter.

21. To provide for or regulate the numbering of houses and lots on the streets, and the naming of streets and avenues.

22. To regulate, control or prevent the use of storage of gunpowder, fireworks, tar, pitch, resin and all other combustible materials and the use of candles, lamps and other lights in stores, shops, stables and other places; to suppress, remove or secure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fire.

23. For the prevention of fire and the preservation of the beauty of the Town, to regulate and control the manner of building or removal of dwelling houses and other buildings; to establish a code for the same and to provide for the granting of permits for the same; to establish a building line for buildings to be erected; zone or district the Town; and make particular provisions for particular zones of districts with regard to building or building materials; and, generally to exercise all the powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of 22 Del. C. § 301 et seq., and all amendments thereto.

24. To acquire, build, erect and maintain a suitable place as a lock-up or jail for the Town which shall be used as a place of detention for persons convicted of violation of law or ordinance, or for the detention of persons accused of violation of law or ordinances for a reasonable time, in cases of necessity, prior to hearing and trial; and to provide for the restraint, support, and employment of paupers, beggars and vagrants; provided, that the jails of Sussex County may be used for any such purpose, in which event the Town shall pay for the board of persons committed thereto for violations of ordinances of the Town which are not violations of any general law of the State.

25. To acquire, build, erect and maintain buildings and facilities necessary or required for housing and equipping offices of the Town.

26. To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, beanshooters, and any other devices for discharging missiles which might cause bodily harm or injury to property; and to regulate or prevent the use of fireworks, bombs and detonating works of all kinds.

27. To provide for the punishment of a violation of any ordinance of the Town by fine or imprisonment, or both, not exceeding Five Hundred Dollars (\$500.00) or sixty (60) days, and for working any person sentenced to such imprisonment or any person who shall refuse to so work when ordered.

28. To provide for the organization of a fire department and the control and government thereof; to establish fire limits and do all things necessary for the prevention of extinguishment of fires; and, in their discretion, to contribute, donate or give an amount or amounts, not to exceed in the total during any given fiscal year, three per centum (3%) of the total taxes levied on real estate, unto any Volunteer Fire Company or Companies incorporated under the Laws of Delaware, or any Volunteer Fire Association or Associations maintaining and operating fire fighting equipment and service to the Town; provided, that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the use thereof as The Town Council shall deem advisable.

29. To purchase, take and hold real and personal property when sold for any delinquent tax, assessment, water rent, electric bill, gas bill, license fee, tapping fee, charge growing out of abatement of nuisances and the like, laying out and repairing sidewalks, or other charge due the Town and to sell the same.

30. To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon, except lands belonging to the Town; provided, that the amount to be raised from this source shall not exceed the sum of Twenty-five Thousand Dollars (\$25,000.00).

31. To levy and collect a personal or per capita tax upon all persons otherwise qualified to vote at any annual municipal election to be used for any and all municipal purposes.

32. To levy and collect taxes upon all telephone, telegraph, power poles, pipe lines, rail lines or other constructions or erections of a like character erected within the limits of the Town, together with the wire or other appliances thereto or thereon attached, expressly excepting all telephone, telegraph, power lines, or poles and rail lines owned or operated by any railroad or railway company engaged in interstate commerce for any and all purposes, and to this end may at any time direct the same to be included in or added to the Town Assessment. In case the owner or leasee of such constructions or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to the remedies for the collection thereof set forth in Section 29 of this Charter, the Town Council shall have authority to cause the same to be removed.

33. To license, tax and collect fees annually for any and all municipal purposes (including the cost and expense of advertising the Town) of such various amounts as the Town Council from time to time shall fix, from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of the Town; provided, however, that nothing herein shall be so construed as to make it mandatory upon any resident of the State to apply for a license in order to sell in the Town any farm produce or products grown upon a farm owned by the vendor or any member of his family with whom he resides.

34. To determine from which authorized sources and in what proportions taxes shall be levied and used each year to raise the revenue or funds required to meet the general expenses of the municipal corporation and all funding, amortization and interest requirements on its outstanding bonds or other indebtedness.

35. To provide for the collection of and disbursement of all monies to which the Town may become entitled by law, including licenses and fines, where no provision for the collection and disbursement thereof is otherwise provided in the Charter.

36. To borrow money in the name of the Town for any proper municipal purpose, and in order to secure the payment of the same, to issue bonds or other kinds or forms of certificate or certificates of indebtedness, pledging the full faith and credit of the Town or such other security or securities as the Town Council shall select, for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness issued by the Town shall be exempt from all State, County or municipal taxes; provided, that in no event shall the indebtedness of the Town, for any and all purposes, at any one time exceed in the aggregate twenty-five per centum (25%) of the assessed value of all real estate in the Town subject to assessment for the purpose of levying the annual tax hereinbefore mentioned.

37. To acquire, and/or vacate the use of, lands, tenements, personality, property, easements, rights of way, or any interest in property, either within or without the limits of the Town, by way of condemnation and eminent domain, for any proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred upon or delegated to the municipal corporation by the Charter. Proceedings by way of condemnation in any such case shall be the same or prescribed hereafter in Section 32 of this Charter for the opening and laying out of new streets or the vacating or abandoning of old streets and the resolutions referred to in said Section 32 shall be changed and modified to cover any case contemplated hereby.

38. To appropriate money to pay the debts, liabilities and expenditures of the Town, or any part or item thereof, from any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the Town in case of emergency.

39. To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge or other amount due the Town by the performance of labor or service for the Town by any person owing the same.

40. To inquire into and investigate the conduct of any office, officer, agent, or employee of the Town or any municipal affair, and for any such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and production of books, papers or other evidence by summary process.

41. The Town Council may, by ordinance duly adopted in accordance with this Charter, establish a pension plan or a health and welfare plan, or both, for the employees of The Town of Blades under such terms and conditions as the Town Council, in its discretion, deems most appropriate; provided, however, that any annual appropriation which is made by The Town of Blades under any such pension plan or health and welfare plan, or both, shall not exceed a maximum of fifteen percent (15%) of the total annual payroll of The Town of Blades and provided further that the method of funding may, if deemed advisable by the Town Council, be handled through a recognized insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of Town Council.

42. To make, adopt and establish all such ordinances, regulations, rules, and by-laws not contrary to the laws of this State and the United States, as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the Town, the protection and preservation of persons and property and of the public health and welfare of the Town and its inhabitants; provided, that any ordinance relating to the public health of the Town and its inhabitants or designed to prevent the introduction or spread of infectious or contagious diseases, or to prevent nuisances affecting the same, shall apply not only within the corporate limits of the Town, but as well to all areas and persons outside the Town within one mile from said limits.

## TOWN BUDGET

Section 28. (a) The fiscal year of The Town of Blades shall be from January 1 to December 31; PROVIDED, HOWEVER, that for the period from the end of the present fiscal year until December 31, 1970, the Town Council of The Town of Blades shall provide a prorated budget.

(b) Annually each year and not later than December 1, the Town Clerk shall prepare a rough draft of a Town Budget. From this rough draft, the Town Council shall, not later than October 15 of each year, prepare the Town Budget, containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year.

(c) The Budget shall contain the following information:

1. A detailed estimate showing the expense of conducting each department and office of the Town for the ensuing fiscal year.

2. The value of supplies and materials on hand, together with the nature and kind of machinery or other implements and the condition thereof.

3. The amount of the debt of the Town, together with a schedule of maturities of bond issues.

4. An itemized statement of all other estimated expenses to be incurred in the affairs of the Town.

5. A statement of the amount required for interest on the bonded debt, the amount necessary to pay any Bond maturing during the year and the amount required for the "Sinking Fund" or "Sinking Funds."

6. An estimate of the amount of money to be received from taxes, assessments and all other anticipated income of the Town from any source or sources whatsoever.

(d) The Town Council shall, so far as possible, adhere to the budget of the Town so adopted in the making of appropriations.

## **REMEDIES FOR COLLECTION OF TAXES, ASSESSMENTS AND OTHER CHARGES**

Section 29. (a) A remedy by distress as now prescribed by law is hereby preserved to the Town Clerk for the collection of any taxes, assessments, license fees, warrants or other charges for which he may be responsible.

(b) At any time after the delivery of the duplicate annual tax list or warrant or any other list of charges due The Town of Blades, the Town Clerk may institute suit in the name of The Town of Blades before any Justice of the Peace or Court of the State of Delaware, in any of the Counties of the State, for the recovery of the unpaid tax, assessment, license fee, or other charge, in an action of debt, and upon judgment obtained, may issue Writs of Execution as in case of other judgments recovered before a Justice of the Peace.

(c) The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained, which by virtue of such execution shall be levied upon within thirty (30) days after issuance thereof, and such lien shall have priority over all other liens against said personal property created or suffered by the taxable, except such liens thereon which may have been created in respect to County Taxes, although such other liens be of date prior to the time of the attachment of the said tax liens.

(d) Any time after the delivery of any such duplicate annual tax list, assessment list, or warrant, or other lists containing charges due the Town, the Town Clerk may notify, in writing, the person, firm or corporation by whom any taxable is employed that the tax, assessment, license fee, warrant, or other charge of said employee is due and unpaid. The notice shall be signed by the Town Clerk and shall contain the correct name of the taxable as it appears upon any such list, the amount of the tax, assessment or other charge due with penalties and interest asked, if any. Thereupon it shall be the duty of the employer to take from the wage, salary or other money then due the taxable the amount of the tax, assessment, license fee, warrant, or other charge, together with penalties and interest added, if any owing, from the employee, and charge the same against him, and to pay the same to the Treasurer within ten (10) days. The Town Clerk shall give

to the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and taxable. If the employer be notified as aforesaid and, having in his hands money belonging to the taxable, shall neglect or refuse to comply with the provisions hereof, such employer shall become personally liable for the amount of the tax, assessment, license fee, warrant or other charges, together with penalties and interest due thereon, if any, of the persons as to whom notice was given, and the amount thereof may be recovered from such employer in an action of debt before any Justice of the Peace, or Court of State of Delaware, as aforesaid. This process shall be deemed to be in the nature of a garnishment proceeding.

(e) The Town Clerk may make a complaint under oath before any Justice of the Peace, that the tax of any taxable is due and unpaid and that he has been unable to make collection of the tax, assessment, license fee, warrant or other charge by any of the methods for the recovery of taxes prescribed by this Charter, and thereupon a warrant shall be issued for the arrest of such taxable and if, after hearing it shall be found that the tax, assessment, license fee, warrant, or other charge, of the person arrested is due and unpaid, and if the taxable shall thereon fail to pay the tax, assessment, license fee, warrant or other charge, together with accrued costs, he shall be committed to the jail of Sussex County, or Town lock-up until the tax, assessment, license fee, warrant, penalty, cost and charges are paid, but in no event shall the term of his imprisonment exceed thirty (30) days.

(f) For the purpose of collecting the tax, assessment, license fee, warrant, rent or any other charge due the Town from any taxable, and without the necessity of first employing the other remedies herein provided the Town Clerk is empowered to sell the lands and tenements of the taxable or the lands and tenements of a taxable, alienated, subsequent to the levy of the tax, assessment, license fee, warrant, rent or other charge.

(g) The Town Clerk shall present to the Superior Court of Sussex County a petition which shall state:

1. The name of the taxable, assessee or licensee.
2. The year for which the tax, assessment, license, or other charge was levied.

3. The rate of the tax, assessment, license or other charge.
4. The total amount due.
5. The date from which the penalty for non-payment, if any, shall commence and the rate of such penalty.
6. A short description of the lands and tenements proposed to be sold sufficient to identify the same.
7. A statement that a bill of said tax, assessment, license, or other charge has been mailed to the taxable that he will proceed to sell the lands and tenements of the taxable for the payment of the tax, assessment, license, warrant, rent or other charge due the Town, and the date of such mailing.
8. That it has been found impractical to attempt to collect the said tax, assessment, license, rent or other charge, by any other remedy hereinbefore provided.

(h) At least ten (10) days prior to the filing of any such petition, the Town Clerk shall deposit in the mail, in a sealed and stamped wrapper and requiring a return registry receipt, addressed to the taxable at his last known address, an itemized statement of the tax, assessment, license warrant, or other charge due the Town, together with all penalties and costs then due thereon, together with a notice to the taxable that he shall proceed to sell the lands and tenements of the taxable for the payment of the tax, assessment, license, warrant or other charge due the Town. The Town Clerk shall exhibit the return registry receipt to the Court by filing the same with the petition.

(i) The petition shall be filed by the Town Clerk and shall be verified before a Notary Public.

(j) Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Court and shall endorse upon said record of said petition, the following: "This petition filed the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_ (giving the day and year), and the Town Clerk of The Town of Blades shall therefore proceed to

sell the lands and tenements herein mentioned or a sufficient part thereof, for the payment of the amount due," which endorsement shall be signed by the Prothonotary.

(k) The Town Clerk shall then proceed to advertise the lands and tenements of the taxable by posting handbills in at least five (5) public places in The Town of Blades (one of which shall be posted on the premises) and publishing the notice of said sale in a newspaper published in Sussex County. The notice shall contain the day, hour and place of sale and a short description of the premises sufficient to identify the same. The notice shall be posted at least ten (10) days before the day fixed for the sale and shall be published in the newspaper at least one week before the day of sale.

(l) Each sale of lands and tenements shall be returned to the Superior Court, aforesaid, at the ensuing term thereof following the sale. At the return of said sale the Court shall inquire into the circumstances and either approve or set aside the sale. No sale shall be approved by the Court if the owner be ready at the Court to pay the taxes, assessment, license fee, rent or other charge due the Town, together with penalty, interest and costs, if any. If it set aside the sale, the Court may order another sale and so on until the tax, assessment, license fee, or other charge due is collected.

(m) If the sale shall be approved by the Court, then at the expiration of one year from the date of the sale (which shall be known as the redemption year) the Town Clerk shall make, execute and deliver a deed to the purchaser, his heirs or assigns, which shall convey the title of the taxable, licensee or assessee, as the case may be: **PROVIDED, HOWEVER,** that within the redemption year, the owner, his heirs or assigns, shall have power to redeem the lands on payment of the costs, the amount of the purchase money and twenty per cent interest thereon to the purchaser, his heirs or assigns. If the purchaser refuses to accept the same or in the event the purchaser, or his heirs or assigns, cannot be located within the State of Delaware, then in either event, it shall be lawful for the owner, his heirs, executors or assigns, to pay the amount of the redemption money to the Town Clerk of The Town of Blades, and upon taking from him a good and lawful receipt therefor, such receipt shall be considered for all

intents and purposes as a valid and lawful exercise of the owner, his heirs, executors and assigns, of his or their power to redeem the land so sold.

(n) After satisfying the tax, assessment, license or other charge due and the cost and expenses of sale from the proceeds of the sale the amount remaining in the hands of the Town Clerk shall be paid, at once, to the owner of the land. Should the owner of the land refuse to accept the same, or the owner is unknown or cannot be found the amount remaining shall be deposited in some bank in The Town of Blades, either to the credit of the owner, or in a manner by which the fund may be identified.

(o) In sales of land for the payment of taxes, assessments, licenses or other charges due The Town of Blades, the costs of the sale including a reasonable counsel fee shall be allowed, which shall be deducted by the Town Clerk from the proceeds of the sale, or chargeable against the owner.

(p) The cost of the deed shall not be chargeable as costs but shall be paid by the purchaser.

(q) If the owner of any lands and tenements, against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale and in the petition to the Court.

(r) If any person is assessed for several parcels of land and tenements in the same assessment, the total of said taxes, assessments, rents and other charges due the Town, may be collected from the sale of any portion of said lands and tenements or from any improvements, provided, that the land alienated by the taxable shall not be sold until other property of the taxable shall have been first disposed of.

#### **POWER TO BORROW AGAINST ANTICIPATED REVENUES**

Section 30. The Town Council of The Town of Blades shall have full power and authority to anticipate revenue by borrowing upon the faith and credit of The Town of Blades, the sum or sums of, not exceeding Ten Thousand Dollars (\$10,000.00) in any one fiscal year, when, in the opinion of the majority of the said Town Council, the needs of The Town of Blades demand it. The Town

Council may secure said sum or sums of money so borrowed by promissory notes of The Town of Blades, duly authorized by resolution of the Town Council, and signed by the Mayor and attested by the Secretary, either with or without the corporate seal of The Town of Blades affixed as is requested by the bank or person advancing the money on said notes, and no Officer nor Councilman shall be personally liable for the payment of such notes because it is signed by them as Officers of The Town of Blades, and is authorized by the resolution of the Town Council; provided, however, any sum of money borrowed on the faith and credit of The Town of Blades, as aforesaid, in any fiscal year, shall be paid out of the general funds of the Town, at the minimum rate of Ten per centum (10%) per fiscal year and shall be completely paid at the end of ten (10) fiscal years following the first fiscal year which said money was borrowed with interest thereon, and no part of the principal of nor the interest on any borrowing authorized by this Section shall be taxable by the State of Delaware nor any political subdivision thereof.

### **STREETS**

Section 31. (a) The Town Council shall have the power and authority to lay out, locate and open new streets or to widen and alter existing streets or parts thereof and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interest of the Town.

(b) The procedure to be used to do any of those things heretofore listed shall be as follows:

1. Whenever five (5) or more property owners in a portion of the Town directly affected or abutting on the proposed street to be opened, laid out, changed, altered, or closed, shall by written petition with each signature duly acknowledged, request the Town Council to lay out, locate, or open a new street or to widen or alter an existing street or any part thereof or to vacate or abandon a street or any part thereof, the Mayor of The Town of Blades shall appoint a committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of changing the structure of said street in the Town. The petition presented to the Council by the property owners shall include a description of property through which the proposed street shall be laid out or a description of the street on

which any other of the actions hereinbefore described shall take place and the reasons why the change in the structure of the streets of the Town should be undertaken; or the Town Council by a majority vote of the elected members thereof may by Resolution propose that a committee of not less than three (3) of its elected members be appointed by the Mayor to investigate the possibility of changing the street structure of the Town for any of the reasons hereinbefore set forth.

(c) Not later than ninety (90) days following its appointment the committee shall submit a report concerning its findings to the Mayor and the Town Council. The report shall contain the advantages and disadvantages to the Town caused by the changing of the street structure and shall contain the conclusion of said committee either recommending or disapproving the changing of such street structure. If the report of the committee appointed by the Mayor recommends changing the existing street structure of The Town of Blades and a majority of the elected members of the Town Council concur therein, the Council by resolution shall propose to the property owners and citizens of the Town that the Council proposes to change the street structure by opening a new street or by doing any of those things hereinbefore described to the existing street structure of the Town. If the report of the committee appointed by the Mayor is not in favor of changing the existing street structure of The Town of Blades the resolution proposing the change in the street structure to the property owners and citizens of The Town of Blades shall be passed by a majority of three-fourths of the elected members of the Town Council. The resolution shall contain a description of the proposed change and shall fix a time and place for a public hearing on the matter of changing the street structure. The resolution adopted by the Town Council shall be printed in a newspaper published in The Town of Blades, or, if no newspaper is published in The Town of Blades, publication may be had in a newspaper having a general circulation in the Town, or in the discretion of the Town Council, the resolution shall be posted in five (5) public places in the Town for at least one week before the time set for the public hearing. The resolution shall also state the hour and place where and when the Town Council shall sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property by the proposed change in the existing street structure of the Town.

(d) Whenever the Town Council shall have determined to locate or lay-out or widen any street, lane or alley, and shall have affixed the compensation therefore it shall be their duty, immediately after the survey and location of said street, lane or alley, to notify by registered letter with return receipt requested, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open or widen the same, and to furnish a general description of the location thereof; also the amount of the compensation or damages allowed to each such property owner, and if such owner be not a resident within the Town, to notify the holder or tenant of said real estate and the owner of such property if his address be known; but if there be no holder or tenant resident in said City and the address of the owner be unknown, or if there is a holder or tenant and the address of the owner is unknown, the said notice may be affixed to any part of the premises. If the owner is dissatisfied with the amount of compensation or damages allowed by the Town as aforesaid, said property owner may, within ten (10) days after such notice as aforesaid was posted or mailed, appeal from the written notice of assessment or compensation or damages by serving written notice by registered mail with return receipt requested upon the Mayor of the Town to the effect that he or she is dissatisfied with the amount of said compensation or damages, and it is his or her intention to make written application to one of the judges of the Superior Court of the State of Delaware in and for Sussex County for the appointment of a Commission to hear and determine the matter in controversy; and in order to prosecute said appeal, such owner shall within fifteen (15) days after serving said notice upon the Mayor as aforesaid, make written application to said Judge of the Superior Court of this State who is at that time resident of Sussex County for the appointment of such a commission; and thereupon the said Judge shall issue and appoint a Commission directed to five (5) freeholders of the said County, three (3) of whom shall be residents of The Town of Blades, and two of whom shall be non-residents of said Town, demanding them to assess the damages which the owner of the real estate through or over which the said street, lane or alley shall pass, and who shall have notified the said Town Council of their intention to appeal, may incur by reason thereof, and to make return of their proceeding to the said Judge at the time therein appointed.

(e) The freeholders named in such Commission, being first

duly sworn or affirmed, shall view the premises and may, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing of their proceedings to the said Judge who shall deliver and return to the Town Council, which shall be final and conclusive. The said Judge shall have the power to fill any vacancy in the Commission. The amount of damages being so ascertained, the Town Council may pay or tender the same to the person or persons entitled thereto within thirty (30) days after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or are absent from the Town during the said period of thirty (30) days, then same shall be deposited to his or her credit in the Farmers Bank of the State of Delaware with offices in Georgetown, Sussex County, Delaware, within said time, and thereupon the said property of lands may be taken or occupied for the uses aforesaid.

(f) If the ascertainment and assessment of damages by the freeholders appointed by the Judge as aforesaid shall be increased, the costs of the appeal shall be paid by the Town out of any money in the hands of the Town Clerk belonging to the Town; but if said damages shall not be increased, the cost of the appeal shall be paid by the party appealing. The said freeholder members of the Commission shall receive and be allowed for each day's actual service or of any part of a day the sum of Twenty Dollars (\$20.00). After the damages shall be fixed and ascertained by the freeholders, the Town Council shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

(g) In the event that the Town Council feels that the damages assessed are not just as being excessive, it may then appeal to the Supreme Court of the State of Delaware. If the owner of the property feels that the damages awarded are inadequate, such owner may appeal to the Supreme Court of the State of Delaware.

### **CURBING AND PAVING**

Section 32. (a) Whenever the Town Council shall have determined that any paving, graveling, curbing or any or either or all of them shall be done, they shall notify the owner or owners of the land along or in front of whose premises the same is to be

done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner or owners to cause such paving, graveling and curbing to be done in conformity with said notice. In the event of any owner or owners neglecting to comply with said notice for the space of thirty days, the said Council may proceed to have the same done, and when done the Town Clerk shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill showing the expenses of such paving, graveling and curbing; if such owner or owners be not resident in The Town of Blades, such bill may be presented to the occupier or tenant of said lands, or if there be no occupier or tenant resident of said Town of Blades, such bill may be sent by mail to such owner or owners directed to him, her or them at the post office nearest his, her or their residences. If such bill be not paid by the owner or owners of such lands within sixty days after the presentation as aforesaid, then it shall be the duty of the said Town Council to issue a warrant in the name of The Town of Blades, under the hand of the Mayor of the Town and seal of said Town, directed to the Town Clerk of the Town of Blades, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of the Town Clerk of the Town of Blades, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five (5) public places in The Town of Blades, at least ten (10) days before the day of sale, to sell the goods and chattels of said owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said Town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said Town Clerk of the said Town of Blades, after ten (10) days' notice to such owner or owners as aforesaid, and after posting five (5) or more notices of sale in at least five (5) public places in The Town of Blades, for at least ten (10) days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said Town of Blades, or if there be no newspaper printed in the said Town of Blades, then in a newspaper printed anywhere in Sussex County, to sell the lands and tenements of such owner or owners along or in front of which such paving, graveling and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient

to satisfy the amount of said bill with costs, and a deed from the Town Clerk of The Town of Blades shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling and curbing shall be a lien on the premises along or in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid for a period of Ten (10) years from the date the work was completed, provided that within thirty days after the completion of said improvements a certificate under the corporate seal of The Town of Blades signed by the Mayor, setting forth the amount of the bill, the date of the completion of the improvements and a description of the property affected by said lien with the name or names of the owner or owners shall be recorded in the office of the Recorder of Deeds at Georgetown, in and for Sussex County; and the record of such certificate or duly certified copy hereof shall be evidence in all Courts of law and equity in this State. Any such lien heretofore acquired shall be continued, provided that a certificate as above described shall be recorded in the said Office of the Recorder of Deeds within ninety (90) days after the approval of this Act. It shall be the duty of the Town Clerk of the Town from the purchase money of the said goods and chattels of lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds of said sale to the parties entitled thereto, and to retain for the use of said Town the amount of said bills as aforesaid, and the residue of the said purchase money, if any, shall be deposited in the Farmers Bank of the State of Delaware at Georgetown, to the credit of the said owners or owner. The Town Clerk of the said Town shall be entitled to receive five (5) dollars for every sale of personal property under this Section, and ten (10) dollars for every sale of real estate under this Section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same and for advertising all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice, required by this Section, to one co-owner shall be notice to all, and in case no owner shall reside in said Town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier, or tenant of said premises resident in the Town, it shall be sufficient to send notice by mail to any owner or owners of said premises, directed to him, her or them at the post

office nearest his, her or their place or places of residence; the provisions hereinbefore contained in this Section shall apply to any order made by the Town Council in respect to any pavement, sidewalk or curb heretofore made or done, which the said Council may deem insufficient or to need repairing. The said Council, in addition to the provisions of this Section hereinbefore contained, shall have power and authority to enforce by ordinance, all the requirements of this Section, by imposing such fines and penalties as shall, in the judgment of said Council, be necessary and proper.

(b) In addition to the remedies herein provided for the collection of bills relative to the curbing and paving of properties, or for the collection of taxes or any other debt or demand due The Town of Blades, it shall be lawful for the Town Clerk in the name of The Town of Blades to institute an action before any Justice of the Peace of the County of Sussex if the amount of the demand be One Thousand Dollars (\$1,000.00) or less, or before the Superior Court of the State of Delaware, if the amount of the demand be more than One Thousand Dollars, and thereupon to obtain judgment for the amount of such demand or debt, and to collect the same in the manner now or hereafter provided for the collection of judgments in the State of Delaware.

### USE OF TOWN MONEY

Section 33. (a) The Town Council shall have the power and authority to use the money in the Treasury of said Town, or of any portion thereof, for the improvement, benefit, protection, ornament, and the best interest of the said Town as it may deem advisable and to use the Town money to accomplish and carry into effect all acts and things which it has power to do by virtue of the Constitution, Laws of Delaware, this Act and all lawful ordinances and resolutions of Council. In general performance of their duties and acts, doings and determination of a majority of the Council of said Town shall be as good and binding as the acts, doings and determination of the whole. In case of vacancy or vacancies in the Town Council, the remaining members, until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole. A majority of the Council shall constitute a quorum for the transaction of business.

### OBSTRUCTIONS, NUISANCES AND UNSANITARY CONDITIONS

Section 34. The Town Council shall have power and authority to enact ordinances or adopt resolutions to define, prevent, abate, and remove all obstructions, nuisances and unsanitary conditions at any time existing or deemed to be contemplated by any property owner or tenant or any property owner thereof whether in the street, square, lane or alley, or on the sidewalks or any other public or private place within the limits of said Town either on its own inspection, or upon written complaint of any citizen of the Town stating the character and location of the obstruction, nuisance or unsanitary condition, and signed by the citizen making the complaint. If a majority of the elected members of the Town Council either upon inspection or upon such inspection or upon such information, or both, shall determine that such obstruction, nuisance or unsanitary condition exists and ought to be removed or abated, as the case may be, the Town Council shall enact an ordinance or adopt a resolution, or both, appropriate to the contemplated or existing commission and the Town Council shall thereupon give notice in writing by registered mail with return receipt requested, signed by the Mayor to the person or persons contemplating or causing such obstruction, nuisance or unsanitary condition, or to the person or persons who are responsible for its existence or continuance to remove or abate the same and if such person or persons refuse or neglect for the space of two (2) days to take steps to abate or remove the stated condition after such notice is received, Council shall have the power and authority to cause such obstruction, nuisance or unsanitary condition to be removed or abated; and for this purpose Council may issue a warrant in the name of the Town of Blades; under the Hand of its Mayor and the Seal of the Town and directed to any Constable of Sussex County, commanding him forthwith to abate such obstruction, nuisance or unsanitary condition, whereupon the Constable to whom said warrant may be delivered shall forthwith proceed to remove or abate the same and for such purpose he shall have full power and authority to enter into and upon any lands and premises in said Town and to take with him such assistance, implements, horses, carts, wagons, automobiles, trucks, or other things, as may be necessary and proper, and to do and perform all matters and things right, proper and necessary to be done for the removal or abatement of such obstruction, nuisance or unsanitary condition. The costs of all the

necessary work, labor and proceedings of the Town in the removal or abatement of such obstruction, nuisance or unsanitary condition shall be determined by Council upon the completion of the work, and if such amount be not paid to the Town Clerk, for the use of the Town, by the person or persons causing or responsible for such obstruction, nuisance or unsanitary condition within ten days after a bill stating the amount of such costs is presented or mailed to such person or persons, at their last and best known post office address, then Council may proceed to collect the same, out of the goods and chattels, lands and tenements, of such person or persons and it shall be the duty of Council to issue a warrant in the name of The Town of Blades under the hand of the Mayor, and the seal of the Town, directed to the Alderman or any Justice of the Peace commanding him that of the goods and chattels, land and tenements of such person or persons he shall cause to be levied and make the amount of said bill, together with all costs. It shall be the duty of the Alderman or a Justice of the Peace, as soon as convenient thereafter, and after ten days, written notice to such person or persons, deposited in the mails and directed to such person or persons at his or their last and best known post office address, and after posting five or more notices of sale in at least five of the most public places in said Town at least ten days before the day of sale, to first sell the goods and chattels of such person or persons at public auction in said Town, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods or chattels of such person or persons can be found in said Town, or the goods and chattels found and sold as aforesaid be not sufficient to satisfy the amount of said bill, with all costs, then it shall be the duty of the said Alderman or Justice of the Peace, after further notice of ten days, given to said person or persons in the same manner as aforesaid, for the sale of goods and chattels, and after posting five or more notices of sale in at least five of the most public places in said Town for at least ten days before the day of sale, and after causing such notice of sale to be published once, in a newspaper published in Sussex County, to sell the land and tenements of such person or persons, or so much thereof as may be sufficient to satisfy the amount of said bill and all costs, and a deed from the Town Clerk of the said Town shall be made and shall convey to the purchaser or purchasers of such lands and tenements as full and complete title in fee simple or lesser estate, as if same were executed by the person or persons whose lands and tenements were sold as aforesaid. The claim for the expenses of the Town in removing or abating such obstruction, nuisance or

unsanitary condition, and all costs, shall be a lien on the premises where such obstruction, nuisance or unsanitary condition exists, and said lien shall relate back to the time when the first notice to remove or abate shall have been served upon such person or persons and shall have priority over any lien, encumbrance or conveyance suffered or made by such person or persons after the mailing of said notice. It shall be the duty of the Alderman or Justice of the Peace, out of the purchase money from the sale of said goods and chattels, or lands and tenements, to pay all costs arising from said proceedings and sale to the parties entitled to such costs, to retain and pay to the Town Clerk, for the use of the Town, the amount of said bill to the Town and the residue of said purchase money, if any, shall be at once deposited in some bank designated by the Town Council to the credit of the owner or owners of said goods and chattels, or lands and tenements. The Alderman or Justice of the Peace shall be entitled to receive Ten Dollars for every sale of personalty under this Section and Twenty Dollars for every sale of real estate under this Section, together with such additional sum as may be allowed by Council for the keeping and care of such personal property, for selling the same, and for said advertising, all of which shall be a part of the costs aforesaid to be paid out of the purchase money. Any notice required by this Section to one co-owner shall be notice to all, and in case of no owner shall reside in said Town, said written notice deposited in the mail in a sealed envelope and addressed to such owner at his or her best known post office address shall be deemed proper notice. Council in addition to the provisions of this Section by imposing such fines and penalties as shall be, in the judgment of Council, necessary and proper which shall be additional to the said expenses and costs of removal or abatement. For all the purposes of this Section, any property, whether dwelling, storehouse, or both, or otherwise, which does not have proper connections with the sewer system of the said Town, if such sewer connections be available for such property, shall be deemed to be in an unsanitary condition under the meaning of this Section, at the discretion of the Council.

### **MUNICIPAL ZONING REGULATIONS**

Section 35. (a) For the purpose of protection against fire, promoting health, safety, morals or the general welfare of the community, the Town Council is hereby empowered to adopt

ordinances to regulate and restrict the height, number of stores, size of buildings and other structures, the density of population, and the location and use of buildings, structures and lands for trade, industry, residence or other purposes, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a fire menace and to require or cause the same to be torn down, removed, or so altered as to eliminate the menace of fires; to prescribe the height and thickness of any building and the kind and grade of materials used in the construction thereof.

(b) The Town Council in order to avail itself of the powers conferred by this section, shall appoint a commission of not less than three members to be known as the Zoning Commission in accordance with Section 306, Title 22, Del. C. of 1953, as amended. The Town Council shall further provide for the appointment of a Board of Adjustment which shall consist of the Town Clerk, the Mayor and the Town Solicitor. The Board shall have all the powers and shall be bound by the same procedure as set forth in Sections 321 through 330 inclusive, Title 22, Del. C. of 1953, as amended. Should any amendment be made to 22 Del. C. 306 or 22 Del. C. Sections 321 through 330 inclusive by the General Assembly, the Charter of the Town of Blades shall be deemed amended in order to comply with such amendments.

Upon the passage of this Act, before any building or structure of any kind, or alteration or additions to any building constructed in The Town of Blades be made, a permit must be secured from the Town. The Town Council is hereby empowered to enact ordinances establishing fees in relation thereto sufficient only to defray the costs in all actions taken pursuant to this Section.

#### **ACTIONS OR SUITS AGAINST THE TOWN**

Section 36. No action, suit or proceeding shall be brought or maintained against The Town of Blades for damages, either compensatory, or punitive, on account of any physical injury or injuries, death or injury of property by reason of the negligence, simple, gross, wilful, or wanton of the said The Town of Blades or any of its departments, officers, agents or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted, within Ninety (90) days from the happening of such

injury or the suffering of such damage, shall notify in writing the Mayor of The Town of Blades of the time, place, cause, character and extent of the injury sustained, so enrolled or damages suffered.

### **MOTOR VEHICLE VIOLATIONS**

Section 37. All driving, vehicular and pedestrian traffic within the corporate limits of The Town of Blades shall be governed by the provisions of Chapter 41, Title 21, Delaware Code of 1953, as heretofore or hereafter amended by the General Assembly of the State of Delaware, except to the extent that such provisions may be altered or supplemented by ordinance duly passed by the Town Council of The Town of Blades as authorized by Chapter 41, Title 21, Delaware Code of 1953, as amended. The Alderman of The Town of Blades, duly appointed as provided herein, shall have the power to impose the maximum penalty authorized by Chapter 41, Title 21, Delaware Code of 1953 as the same may be from time to time amended, anything to the contrary herein notwithstanding.

### **DISPOSAL OF PROPERTY**

Section 38. (a) All disposals of property of The Town of Blades, other than the motor vehicles or other personal property which may be traded as part of the purchase price for a replacement thereof, shall be by public advertising for bids thereof pursuant to the following procedure:

(1) The Town Council of The Town of Blades shall adopt a Resolution declaring the property to be sold to be surplus to the needs of The Town of Blades. The Resolution shall be passed at least Sixty (60) days prior to the date when bids are to be received and shall contain a description of the property, its location, the times when it can be inspected, the terms for payment and shall fix a time and place for receiving sealed bids for the purchase thereof.

(2) The property shall be offered for sale to the best and most responsible bidder who submits a responsive bid in response to the invitation to submit a bid for the property.

(3) The Invitation for Bids shall be printed in two issues of a newspaper having a general circulation in The Town of Blades

within Thirty (30) days prior to the date when bids to purchase the said property will be received.

(b) Neither the Mayor of The Town of Blades nor any member of the Town Council of The Town of Blades shall be permitted to submit during his term of office a bid for any property to be sold pursuant to this Section.

### **SURVIVAL OF POWER AND VALIDATING SECTION**

Section 39. This Act shall operate to amend, revise and consolidate, "An Act to Incorporate the Town of Blades" being Chapter 155, Volume 28, Laws of Delaware, and the various amendments and supplements thereto, and to repeal all such parts of said Act and its amendments and supplements as are manifestly inconsistent with the provisions of this Act. All powers conferred upon or vested in The Town of Blades by any Act of Law of the State of Delaware not in conflict with the provisions of this Charter, are hereby expressly conferred upon, and vested in The Town of Blades and/or the Town Council of The Town of Blades, precisely as if each of the said powers was expressly repeated in this Charter. All ordinances and resolutions heretofore lawfully enacted or adopted by the Town Council of The Town of Blades and in force at the time of the approval of this Charter shall continue in full force and effect until the same or any of them shall be repealed, modified or altered by the Town Council of The Town of Blades under the provisions of this Charter; all the acts and doings of the Town Council of the Town of Blades or any officers or employees of The Town of Blades lawfully done or performed under the provisions of any law of this State, or of any ordinance of The Town of Blades prior to the approval of this Act, are hereby ratified and confirmed; all taxes, debts, fines or penalties, assessments and forfeitures due The Town of Blades shall be deemed to be due and all debts due from The Town of Blades shall be deemed to be due and the same shall remain unimpaired until paid; and the power, right and authority to collect taxes imposed under the provisions of this Act, and the processes which may be employed hereunder, shall be deemed to apply and to extend to all unpaid taxes imposed under the Charter of The Town of Blades and all amendments and supplements thereto; the bonds given by or on account of any Official of The Town of Blades shall not be impaired by or affected by the provisions of this Act, but The Town of Blades shall succeed to all

the benefits of said bonds; all valid laws heretofore passed relating to or concerning The Town of Blades or authorizing the borrowing of money and the issuing of bonds on the credit of The Town of Blades shall be and remain valid and good as heretofore, and be unaffected and unimpaired by this Act.

If any part of this Act shall be held unconstitutional, such holding shall not in any wise invalidate the remaining provisions of this Act. This Act shall be deemed and known to be a public Act.

Approved April 11, 1971.

CHAPTER 35

FORMERLY HOUSE BILL NO. 137

**AN ACT TO AMEND TITLE 10, SECTION 9904 OF THE  
DELAWARE CODE BY REDUCING AN APPLICATION  
FOR APPEAL FROM 60 DAYS TO 30 DAYS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 9904, Title 10, Delaware Code, is hereby amended by changing the figures "60" to "30" in said section.

Approved April 11, 1971.

## CHAPTER 36

## FORMERLY HOUSE BILL NO. 132

**AN ACT TO AMEND TITLE 21, DELAWARE CODE, ENTITLED "MOTOR VEHICLES" TO PROVIDE FOR SPECIAL REGISTRATION PLATES FOR FIRE TRUCKS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 2158 (b), Chapter 21, Title 21, Delaware Code, is amended by striking the letter "F" as the same appears in paragraph (2) of said section and substituting in lieu thereof the letters "FD".

Approved April 11, 1971.

CHAPTER 37

FORMERLY HOUSE BILL NO. 45

**AN ACT TO AMEND TITLE 30, CHAPTER 23, DELAWARE CODE, BY ALLOWING EXEMPTION FROM LICENSE REQUIREMENTS FOR DAY CARE CENTERS TO CERTAIN NON-PROFIT ORGANIZATIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 23, Title 30, is amended by adding a new sub-section 2301 (e) and (f) to read as follows:

(e) Any person, who is a non-profit charitable, religious, educational or civic organization and who operates a day-care center primarily for children not over 6 years of age and which is not primarily a medical or educational facility shall be exempt from any license under this Chapter for such day care center activity.

(f) For purposes of sub-section (e) a non-profit charitable, religious, civic or educational organization is defined as a corporation or trust created for charitable, religious, civic or educational purposes, no part of the net earnings of which inures to the benefit of any private stockholder or individual.

Section 2. This Act shall become effective on July 1, 1971.

Approved April 18, 1971.

## CHAPTER 38

FORMERLY HOUSE SUBSTITUTE NO. 1  
FOR HOUSE BILL NO. 68**AN ACT TO AMEND CHAPTER 59, TITLE 11, DELAWARE CODE TO ENLARGE THE JURISDICTION OF JUSTICES OF THE PEACE TO INCLUDE VIOLATIONS OF ORDINANCES, CODES AND REGULATIONS OF THE GOVERNMENTS OF THE SEVERAL COUNTIES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House concurring therein):*

Section 1. Chapter 59, Title 11, Delaware Code, is amended by adding a new section thereto as follows:

**§ 5921. Jurisdiction over violations of ordinances, codes and regulations of the governments of the several counties; penalty; appeal**

(a) Justices of the Peace shall have jurisdiction throughout the State to hear, try and finally determine any violation or violations of any ordinance, code or regulation of the governments of their respective counties. Any person convicted of such violations may be fined not more than \$100 for each violation.

(b) Every person convicted under this section shall have the right of appeal to the Superior Court of this State. No such conviction or sentence shall be stayed pending appeal unless the person convicted shall give bond in an amount and with surety to be fixed by the Justice of the Peace before whom such person was convicted, at the time such appeal was taken. Such appeal shall be taken and bond given within five days from the time of conviction.

(c) The provisions of Sections 5302, 5502 and 5602 of this title shall not be applicable to violations under this section.

Approved April 18, 1971.

CHAPTER 39

FORMERLY HOUSE BILL NO. 141  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 84, TITLE 29 OF THE  
DELAWARE CODE RELATING TO DECISIONS BY THE  
COUNCIL ON HIGHWAYS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend subsection (c), § 8407, Chapter 84, Title 29 of the Delaware Code, by the insertion at the very beginning of subsection (c) of the following sentence:

The Council shall adopt all motions and approve all projects only by a majority vote of the entire membership of the Council. All voting under this provision shall be done in person and at regular or special meetings of the Council.

Approved April 18, 1971.

## CHAPTER 40

## FORMERLY SENATE BILL NO. 113

**AN ACT TO AMEND THE ACT TO INCORPORATE THE TOWN OF SOUTH BETHANY.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each branch thereof concurring therein):*

Section 1. Section 5 of the Act to Incorporate the Town of South Bethany, approved May 6, 1969, is hereby amended by:

(a) striking from the first sentence thereof the words "noon until eight o'clock" and substituting in lieu thereof "11:00 a.m. to 3:00 p.m."

(b) striking from the second sentence thereof the word "ten" and substituting in lieu thereof the word "thirty".

(c) striking from the third sentence thereof the words "held in the month of May."

(d) adding at the end of subsection (a) the following sentence:

"The term of office of Assessor and Treasurer shall be for two years."

(e) adding at the end of the first sentence of subsection (b) the following sentence:

"Thereafter the terms of the Commissioners shall be for two years."

Section 2. Section 6 of said Act is amended by adding after the penultimate paragraph the following sentence:

"Should voting machines be required by law, enacted subsequent to the enactment of this Act, the Commissioners shall make appropriate changes in the procedures for balloting which conform, as near as practicable, to the procedures outlined herein."

Section 3. Section 7 of said Act is amended to read as follows:

**“Section 7. Qualification for voting**

Every person who shall have reached the age of twenty-one years, who is a citizen of the United States, and who for at least three (3) months preceding the day of election has been the legal owner of real estate in the Town of South Bethany, or if not the legal owner of real estate in said Town has been a resident of the Town for six (6) months immediately preceding the date of election and meets the qualifications for voting in elections held for representatives to the General Assembly of the State of Delaware shall be entitled to vote in the annual municipal elections, special elections and referenda, except as otherwise provided in this Charter.”

Section 4. Section 9 of said Act is amended by:

(a) amending subsection (a) to read as follows:

**“(a) Commissioners**

No person shall be eligible to hold office as a Commissioner except a person who at the time of filing as a candidate has been a real property owner in the Town for a period of one year immediately preceding the date of filing, or who, not the legal owner of real estate in the Town, has been a resident of the Town for one year immediately preceding the date of filing and who meets the qualifications for voting as set forth in Section 7, and who has attained the age of twenty-one years.”

(b) amending subsection (b) to read as follows:

**“(b) Treasurer and Assessor**

No person shall be eligible to hold office as Treasurer or Assessor except a person who at the time of filing as a candidate has been a real property owner in the Town for a period of one year immediately preceding the date of filing, or who, not the legal owner of real estate in the Town, has been a resident of the Town for one year immediately preceding the date of filing and

who meets the qualifications for voting as set forth in Section 7, and who has attained the age of twenty-one years.”

Section 5. Section 19 of said Act is amended by deleting the third sentence (relating to tax discounts and penalties) from the second paragraph of said section.

Section 6. The first sentence of the first paragraph of Section 30 of said Act is amended to read as follows:

“The Commissioners shall have the power to levy and collect taxes on real property within the limits of the Town except that which is not accessible and taxable by virtue of any law of the State of Delaware, which taxes shall not, with respect to each taxpayer, exceed that due by said taxpayer to the Sussex County Tax Collector in any one year unless such higher taxes are approved by a majority of the voters voting in a referendum conducted in the year prior to the year when such higher taxes would be levied.”

Section 7. Section 30 of said Act is further amended by adding at the end thereof the following new paragraph:

“The Commissioners shall have the power by ordinance to allow credits to reduce the taxes otherwise imposed by this Section with respect to real property owned by taxpayers of low income who are over sixty-five years of age. Such ordinance shall not be effective unless approved by a majority of the voters of the Town voting in a referendum conducted in the year prior to the year when such credits are allowed.”

Section 8. The paragraph numbered “5” of Section 31 of said Act is amended by striking out the second sentence and substituting in lieu thereof the following:

“At said referendum all persons qualifying under Section 7 of this Act shall be entitled to vote.”

Approved April 18, 1971.

## CHAPTER 41

## FORMERLY HOUSE BILL NO. 17

**AN ACT TO AMEND TITLE 7, DELAWARE CODE, CHAPTER 5, SECTION 512, RELATING TO TERM OF LICENSE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 7, Delaware Code, Section 512, is hereby amended by striking said Section 512 in its entirety and inserting in lieu thereof a new Section 512 to read as follows:

**§ 512. Term of license**

(a) All licenses issued by the Division of Fish and Wildlife shall be in lieu of all other charges for such privileges and shall authorize their legal holder the privilege prescribed thereon only during the fiscal year, and, with the exception of fishing licenses, such licenses shall expire on the thirtieth day of June following the date of their issue except short-term licenses which shall be valid only during the periods prescribed on the license.

(b) Fishing licenses shall authorize their legal holder the privilege prescribed thereon only during the calendar year beginning the first day of January and such licenses shall expire on the thirty-first day of December of the year they are issued."

Section 2. The provisions of this Act shall become effective July 1, 1971, and all fishing licenses issued effective July 1, 1971, shall be valid for a six-month period ending December 31, 1971. The fee for the six-month license shall be one-half the annual fee as provided by law for the class of license purchased.

Approved April 22, 1971.

## CHAPTER 42

## FORMERLY HOUSE BILL NO. 111

**AN ACT TO AMEND CHAPTER 25, TITLE 16, DELAWARE CODE, BY REMOVING CERTAIN RESTRICTIONS ON THE PURCHASE OF SUPPLIES INTENDED FOR THE PREVENTION OF CONCEPTION OR VENEREAL DISEASE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 2503, Chapter 25, Title 16 of the Delaware Code, by striking in its entirety the phrase "and only to persons eighteen years of age and upwards" as the same appears at the end of the Section.

Approved April 27, 1971.

CHAPTER 43

FORMERLY HOUSE BILL NO. 117

**AN ACT TO AMEND TITLE 30, DELAWARE CODE, CHAPTER 52, BY CHANGING THE REGISTRATION DATES IN AND PERIOD OF APPLICABILITY OF THE MOTOR CARRIERS FUEL PURCHASE LAW.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 30, Delaware Code, Section 5211 (a), is amended by striking the dates "April 1", "March 31", and "April 15" wherever they appear therein and by inserting in lieu thereof wherever the aforesaid dates appear, the dates "October 1", "September 30", and "October 15", respectively.

Section 2. Title 30, Delaware Code, Section 5211 (a) is further amended by inserting the following sentence between the sentence ending "... shall be valid through September 30." and the sentence beginning, "The enforcement of this subsection . . .":

"Registration cards and identification markers issued for the registration period originally ending March 31, 1971 shall be extended automatically without additional fee to September 30, 1971."

Approved April 27, 1971.

## CHAPTER 44

FORMERLY HOUSE BILL NO. 183  
AS AMENDED BY HOUSE AMENDMENT NO. 1AN ACT TO AMENDED CHAPTER 5, TITLE 9 OF THE  
DELAWARE CODE RELATING TO SUBURBAN  
COMMUNITY IMPROVEMENTS WITH REGARD TO  
BOND ELECTIONS.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 507, paragraph (a), Chapter 5, Title 9 of the Delaware Code, is amended by striking the word "freeholder" as the same appears in the first sentence and substituting in lieu thereof the words "citizens and real property owners."

Section 2. Section 507, paragraph (c), Chapter 5, Title 9 of the Delaware Code, is amended by striking paragraph (c) in its entirety.

Section 3. Section 508, Chapter 5, Title 9 of the Delaware Code, is amended by striking Section 508 in its entirety and inserting in lieu thereof the following:

**§ 508. Notice of election; contents of notice**

Thereafter, the election shall be held at such time as may be fixed by the Levy Court or the County Council and shall be previously advertised by posting a notice, in four of the most public places within the community, at least thirty days prior thereto and by publishing a notice in a newspaper published within the County of such community and having a general circulation therein, once in each of four weeks preceding the week in which the election is held. Such notice shall state the time and place of the election, and further state that the purpose of the election is to determine whether a majority of the residents of the community and the real property owners are in favor of the issuance of bonds by the Levy Court or County Council to cover the cost of improvement or improvements contemplated. The notice shall also state the total amount of the proposed bond issue and a clear and concise description of each of the improvements

contemplated together with the estimated cost of each improvement and the total cost of all improvements.

Section 4. Section 510, paragraph (a), Chapter 5, Title 9 of the Delaware Code, is amended by striking paragraph (a) and substituting in lieu thereof the following:

(a) Every citizen who resides in the community in which the election is being held and who would be entitled at the time of the holding of such election to register and vote in any election district of which the community is a part at a general election if such general election were held on the day of such election in the community, and every owner of real property in the community may vote at such election, whether or not he is at the time a registered voter.

Section 5. Section 510, paragraph (b), Chapter 5, Title 9 of the Delaware Code, is amended by striking paragraph (b) and substituting in lieu thereof the following:

(b) Any real property owner who has sold his property or properties in the community subsequent to the preparation of the survey and plot made by the Highway Department shall not be permitted to vote but the then owner of the property or properties shall be entitled to vote in his place and stead upon furnishing the judge of election with the original or a certified copy of the deed to the property or properties, which deed shall clearly evidence that it was duly recorded.

Section 6. Section 510, paragraph (c), Chapter 5, Title 9 of the Delaware Code, is amended by striking paragraph (c) and substituting in lieu thereof the following:

(c) Any person claiming the right to vote at the election as an heir of any real property owner in the community who has died, or as trustee or guardian under the terms of the last will and testament of any such real property owner shall furnish the judge of election with the original or a certified copy of the will or other document evidencing his ownership of, or interest in, the property of any such real property owner, and shall thereupon be entitled to vote in the place and stead of such deceased real property owner.

Section 7. Section 510, paragraph (d), Chapter 5, Title 9 of the Delaware Code, is amended by striking the first paragraph of said paragraph (d) and substituting in lieu thereof the following:

(d) Wherever the property of such deceased real property owner in the suburban community is left to joint tenants or tenants in common, the following rules shall prevail.

Approved April 28, 1971

CHAPTER 45

FORMERLY HOUSE BILL NO. 184  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND SUBCHAPTER I, CHAPTER 5, TITLE 9  
OF THE DELAWARE CODE PERTAINING TO SUBURBAN  
COMMUNITIES IMPROVEMENTS BY REMOVING THE  
INTEREST RATE CEILING ON BONDS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend paragraph (b), Section 502, Chapter 5, Title 9 of the Delaware Code by striking the phrase "shall not bear interest in excess of five per cent," which phrase appeared in the first sentence of said paragraph (b), and substituting in lieu thereof the phrase "shall bear interest at the most advantageous rate attainable by the Levy Court or County Council."

Approved April 28, 1971

## CHAPTER 46

## FORMERLY HOUSE BILL NO. 210

**AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO WATER AND AIR RESOURCES AND CERTAIN PROCEDURES RELATING TO RULES SET FORTH IN SAID CHAPTER.**

*Be it enacted by the General Assembly of the State of Delaware (Two-thirds of all the members elected to each house concurring therein):*

Section 1. Subsection (a), Section 6007, Title 7, Delaware Code, is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) For purposes of this chapter, an "individual type application" shall mean:

(1) Any request or petition for a permit or license relating to sources of water or sewerage systems serving or intended to serve three or fewer families; open burning for agricultural land clearing purposes; or

(2) Any practical or legal effectuation of statutes, rules or regulations, relating to sources of water or sewerage systems serving or intended to serve three or fewer families; open burning for agricultural land clearing purposes.

Section 2. Subsection (b), Section 6007, Title 7, Delaware Code, is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) For purposes of this chapter, a "commercial type application" shall mean:

(1) Any request or petition for a license or permit, relating to any system, operation or process not hereto defined as an "individual type application"; or

(2) Any practical or legal effectuation of statutes, rules or regulations relating to any system, operation or process not heretofore defined as an "individual type application".

Approved April 28, 1971.

## CHAPTER 47

FORMERLY SENATE BILL NO. 196  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT AUTHORIZING THE TREASURER OF THE STATE OF DELAWARE TO ADVANCE \$190,000 TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO EXPEDITE THE RENOVATION OF THE DORSEY LEWIS BUILDING AT THE DELAWARE STATE HOSPITAL, AND TO MAKE A SUPPLEMENTARY APPROPRIATION OF \$137,500 TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR OPERATING EXPENSES FOR THE DEVELOPMENT OF THE STATE'S NEW "INSTITUTE OF HUMAN BEHAVIOR."**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Treasurer of the State of Delaware is hereby authorized to advance from the General Fund the sum of \$190,000 to the Department of Health and Social Services to expedite the renovation of the Dorsey Lewis Building at the Delaware State Hospital, which sum shall be repaid to the General Fund, when and if such sum shall have been authorized and funded in accordance with the projected 1972 Capital Improvement Program.

Section 2. There is hereby appropriated from the General Fund the sum of \$137,500 to the Department of Health and Social Services for operating expenses for the development of the State's new "Institute of Human Behavior." This is a supplementary appropriation for Fiscal Year of 1971, and the funds hereby appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware not otherwise appropriated. Any funds hereby appropriated which remain unexpended or unencumbered shall revert to the General Fund of the State of Delaware on June 30, 1972.

Approved April 28, 1971.

CHAPTER 48

FORMERLY SENATE BILL NO. 257  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 15, DELAWARE CODE,  
RELATING TO THE USE OF VOTING MACHINES IN  
MUNICIPAL ELECTIONS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each house concurring therein):*

Section 1. Amend Section 5004, Title 15, Delaware Code, by adding thereto a new sentence following the word "State" as it appears in the first sentence thereof to read as follows:

In the event no contest exists in municipal elections voting machines shall not be required.

Approved April 29, 1971.

## CHAPTER 49

## FORMERLY HOUSE BILL NO. 46

**AN ACT TO GRANT THE WIDOW OF A DECEASED MEMBER OF THE STATE JUDICIARY WHO WAS RECEIVING A PENSION ON DECEMBER 29, 1967 ALL BENEFITS PROVIDED BY CHAPTER 198, VOLUME 56, LAWS OF DELAWARE.**

WHEREAS, the 124th General Assembly enacted an amendment to Title 29, Chapter 56 of the Delaware Code providing for increased pensions for members of the State Judiciary, said enactment being Chapter 198, Volume 56, Laws of Delaware; and

WHEREAS, on the effective date of said enactment, December 29, 1967, there was one widow, of a deceased member of the State Judiciary who had died in office, then receiving a pension; and

WHEREAS, it was represented to the 124th General Assembly that said widow would receive the benefit of said enactment; and

WHEREAS, as a result of an opinion by the Attorney General dated October 9, 1968, it was determined, on the basis of the language of Chapter 198, Volume 56, Laws of Delaware, as enacted, that said widow was not entitled to the benefit of said enactment;

**NOW, THEREFORE:**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Any widow of a deceased member of the State Judiciary who was receiving a pension at the time of the enactment of Chapter 198, Volume 56, Laws of Delaware, on her written election to the Board of State Judiciary Pension Trustees within ninety days following the passage of this Act, shall be entitled to receive pension benefits calculated as if her husband had died in office immediately after the effective time of the enactment of Chapter 198, Volume 56, Laws of Delaware on the

date of said enactment with the actual length of judicial service he did have at the actual time of his death, and such entitlement shall be retroactive to the date of said enactment, December 29, 1967. This entitlement shall be in addition to benefits already received under Title 29, Chapter 56 of the Delaware Code for the period prior to December 29, 1967.

Approved April 30, 1971.

## CHAPTER 50

FORMERLY HOUSE BILL NO. 87  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND SUBCHAPTER V, CHAPTER 17, TITLE 24, DELAWARE CODE, PROVIDING FOR IMMUNITY OF MEMBERS OF THE MEDICAL EXAMINERS OF DELAWARE TO INCLUDE THE OSTEOPATHIC EXAMINER OF THE MEDICAL COUNCIL.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subchapter V, Chapter 17, Title 24, Delaware Code, is amended by striking the catchline from s 1768 and inserting in lieu thereof the following catchline:

s 1768. Immunity

Section 2. Subchapter V, Chapter 17, Title 24, Delaware Code, is hereby amended by inserting into Section 1768 between the words, "the Board of Medical Examiners of Delaware," and the words, "the members of the County Medical Censor Committees," the words, "the Osteopathic Examiner(s) of the Medical Council,".

Approved April 30, 1971.

CHAPTER 51

FORMERLY HOUSE BILL NO. 124  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT AUTHORIZING AND MAKING A SUPPLEMENTAL  
APPROPRIATION TO THE MARSHALLTON-MCKEAN  
SCHOOL BOARD TO PAY CERTAIN OBLIGATIONS  
INCURRED IN A PRIOR FISCAL YEAR.**

WHEREAS, Advanced Planning funds were given to the Marshallton-McKean School District in April, 1968 for the purpose of making preliminary plans for the construction of an elementary school; and

WHEREAS, one year after advanced planning funds are given to a district they revert back to the revolving fund if a purchase order is not issued; and

WHEREAS, no purchase order was issued by the Marshallton-McKean School District within the prescribed time and therefore the funds reverted; and

WHEREAS, Marshallton-McKean School District did enter into contract with W. Ellis Preston, Architects and incurred fees in the amount of \$5,930 of which 60% is State funds and 40% local funds; and

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Marshallton-McKean School District is hereby appropriated the sum of \$3,558.00 and further authorized and directed under the 60% State and 40% local formula to pay the sum of \$3,558.00 from funds herein appropriated to W. Ellis Preston, Architects for work performed for said district during fiscal year beginning July 1, 1968.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1971, and the money appropriated

shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated.

Approved April 30, 1971.

## CHAPTER 51

FORMERLY HOUSE BILL NO. 124  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT AUTHORIZING AND MAKING A SUPPLEMENTAL  
APPROPRIATION TO THE MARSHALLTON-MCKEAN  
SCHOOL BOARD TO PAY CERTAIN OBLIGATIONS  
INCURRED IN A PRIOR FISCAL YEAR.**

WHEREAS, Advanced Planning funds were given to the Marshallton-McKean School District in April, 1968 for the purpose of making preliminary plans for the construction of an elementary school; and

WHEREAS, one year after advanced planning funds are given to a district they revert back to the revolving fund if a purchase order is not issued; and

WHEREAS, no purchase order was issued by the Marshallton-McKean School District within the prescribed time and therefore the funds reverted; and

WHEREAS, Marshallton-McKean School District did enter into contract with W. Ellis Preston, Architects and incurred fees in the amount of \$5,930 of which 60% is State funds and 40% local funds; and

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Marshallton-McKean School District is hereby appropriated the sum of \$3,558.00 and further authorized and directed under the 60% State and 40% local formula to pay the sum of \$3,558.00 from funds herein appropriated to W. Ellis Preston, Architects for work performed for said district during fiscal year beginning July 1, 1968.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1971, and the money appropriated

shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated.

Approved April 30, 1971.

CHAPTER 52

FORMERLY HOUSE BILL NO. 125

**AN ACT TO AMEND TITLES 16 AND 29, DELAWARE CODE,  
RELATING TO THE POWERS OF THE DIVISION OF  
PHYSICAL HEALTH AND THE DIVISION OF  
ENVIRONMENTAL CONTROL.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 16, Delaware Code, § 122(3)(D) is hereby amended by striking said Section in its entirety.

Section 2. Title 29, Delaware Code, Chapter 80, § 8013(a) is amended by adding thereto a new subsection (6) to read as follows:

(6) The Division of Environmental Control shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in the Department of Health and Social Services pursuant to the provisions of Title 16, Delaware Code, § 122(3)(D) only.

Approved April 30, 1971.

## CHAPTER 53

## FORMERLY SENATE BILL NO. 180

**AN ACT TO AMEND CHAPTER 1, TITLE 23, DELAWARE CODE, RELATING TO NAVIGATION AND WATERS, AND PROVIDING PILOTAGE RATES FOR DULY LICENSED PILOTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend § 101, Subchapter 1, Chapter 1, Title 23, Delaware Code, by striking out the word "Wilmington" in the fourth sentence and inserting in lieu thereof the word "Dover."

Section 2. Amend § 131, Subchapter IV, Chapter 1, Title 23, Delaware Code, by striking said section in its entirety and substituting a new § 131, which shall read as follows:

"For services rendered on and after July 1, 1971, but before January 1, 1973, the rates of pilotage for conducting a vessel from the Capes of the Delaware to a point on the Delaware River no further upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey, or from a point on the Delaware River no further upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey, to the Capes of the Delaware, shall be in either case, for every half foot of water which a vessel shall draw, the sum of Seven Dollars and Twenty-five Cents (\$7.25) if such vessel shall have a length overall not in excess of five hundred fifty (550) feet; (at the rate of) Eight Dollars (\$8.00) if such vessel shall have a length overall in excess of five hundred fifty (550) feet, but not in excess of eight hundred (800) feet; and (at the rate of) Eight Dollars and Fifty Cents (\$8.50) if such vessel shall have a length overall in excess of eight hundred (800) feet; provided, however, that any vessel with a draft of less than eight (8) feet shall pay pilotage as though the draft of the vessel were eight (8) feet. For services rendered on and after January 1, 1973, the rates of pilotage for conducting a vessel from the Capes of the Delaware to a point on the Delaware River no further upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey, or from a point on the Delaware River no further

upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey, to the Capes of the Delaware, shall be in either case for every half foot of water which a vessel shall draw, Seven Dollars and Forty Cents (\$7.40) if such vessel shall have a length overall not in excess of five hundred fifty (550) feet, Eight Dollars and Five Cents (\$8.05) if such vessel shall have a length overall in excess of five hundred fifty (550) feet, but not in excess of eight hundred (800) feet, and Eight Dollars and Seventy Cents (\$8.70) if such vessel shall have a length overall in excess of eight hundred (800) feet; provided, however, that any vessel with a draft of less than twelve (12) feet shall pay pilotage as though the draft of the vessel were twelve (12) feet.

Every such vessel bound to the Breakwater for orders shall pay pilotage fees as follows: a sum equal to one-half of the inward rates of pilotage to the Port of Philadelphia, and the same fees when outward-bound from the Breakwater; provided, however, if the pilot bringing such ship or vessel to the Breakwater be there discharged, and the ship or vessel afterward proceed to Philadelphia or any other port or place on the Bay or River Delaware, she shall make the usual signal for a pilot, and continue to make such signal till reaching Brandywine Light, and if spoken by, or offered the services of, a duly licensed Delaware Pilot before reaching Brandywine Light, shall be obliged to employ such pilot and pay him for services rendered as follows: On and after July 1, 1971, but before January 1, 1973, the rates of pilotage for conducting a vessel from the Capes of Delaware to a point on the Delaware River no further upriver than Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey, or from a point on the Delaware River no further upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey, to the Capes of the Delaware, shall be in either case, for every half foot of water which a vessel shall draw, Seven Dollars and Twenty-five Cents (\$7.25) if such vessel shall have a length overall not in excess of five hundred fifty (550) feet, Eight Dollars (\$8.00) if such vessel shall have a length overall in excess of five hundred fifty (550) feet but not in excess of eight hundred (800) feet, and Eight Dollars and Fifty Cents (\$8.50) if such vessel shall have a length overall in excess of eight hundred (800) feet; provided, however, that any vessel with a draft of less than eight (8) feet shall pay pilotage as though the draft of the vessel were eight (8) feet. For services rendered on and after January 1, 1973, the rates of pilotage for conducting a vessel from the Capes of the

Delaware to a point on the Delaware River no further upriver than Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey, or from a point on the Delaware River no further upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey, to the Capes of the Delaware, shall be in either case, for every half foot of water which a vessel shall draw, Seven Dollars and Forty Cents (\$7.40) if such vessel shall have a length overall not in excess of five hundred fifty (550) feet, Eight Dollars and Five Cents (\$8.05) if such vessel shall have a length overall in excess of five hundred fifty (550) feet, but not in excess of eight hundred (800) feet, and Eight Dollars and Seventy Cents (\$8.70) if such vessel shall have a length overall in excess of eight hundred (800) feet; provided, however, that any vessel with a draft of less than twelve (12) feet shall pay pilotage as though the draft of the vessel were twelve feet."

Approved April 30, 1971.

CHAPTER 54

FORMERLY HOUSE BILL NO. 144  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE  
CODE AND CHAPTER 3, TITLE 11, DELAWARE CODE,  
RELATING TO PEDESTRIAN WALKING ON HIGHWAYS  
OR SOLICITING RIDES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Section 4147, Title 21, of the Delaware Code, by adding thereto a new paragraph, to be known and designated as paragraph (c), which shall read as follows:

(c) No person shall at any time be jailed solely for violation of paragraph (a) of this section.

Section 2. Amend paragraph (b), Section 4148, Chapter 41, Title 21, of the Delaware Code, by striking the words "or imprisoned not less than two nor more than ten days, or both" appearing in the first sentence of paragraph (b) and further amend same by striking the words "or imprisoned not less than two nor more than thirty days, or both" as the same appears in the last sentence of paragraph (b).

Section 3. Amend Section 881, Subchapter LIV, Chapter 3, Title 11, of the Delaware Code, by the addition of the following paragraph:

No provision of this Subchapter shall apply to any person solely because such person was walking, standing or hitch-hiking on a highway within this State.

Approved May 1, 1971.

CHAPTER 55  
FORMERLY HOUSE BILL NO. 215

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO  
THE DIVISION OF SOCIAL SERVICES FOR PUBLIC  
ASSISTANCE GRANTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby appropriated to the Division of Social Services, Department of Health and Social Services, the amounts hereinafter listed for public assistance grants for the fiscal year ending June 30, 1971:

Assistance Grants (Blind) .....	\$ 20,000
Old Age Assistance Grants .....	24,000
Aid to Disabled Grants .....	400,000
Aid to Families with Dependent Children ..	756,000
General Assistance Grants .....	235,000
	<u>\$1,444,000</u>

Section 2. This Act shall be known as a supplementary appropriation and the sums appropriated shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. Funds appropriated herein which remain unexpended on June 30, 1971 shall revert to the General Fund.

Approved May 5, 1971.

CHAPTER 56

FORMERLY HOUSE BILL NO. 116  
AS AMENDED BY HOUSE AMENDMENTS NO. 2 AND 3

**AN ACT TO AMEND SECTION 1154, TITLE 30, DELAWARE  
CODE BY ADDING THE REQUIREMENT FOR  
EMPLOYERS TO MAKE MONTHLY DEPOSITS OF STATE  
PERSONAL INCOME TAXES WITHHELD FROM  
EMPLOYEES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Title 30, Section 1154, Employer's return and payment of tax withheld, by adding a new sub-section (c) to read as follows:

(c) If during any calendar month other than the last month of a calendar quarter, the aggregate amount of taxes withheld from employees exceeds \$200 in the case of an employer, such employer shall deposit such aggregate amount within 15 days after the close of such calendar month. Deposit shall be made by payment to the Secretary of Finance for deposit to the General Fund of the State of Delaware.

Section 2. This Act shall become effective for the calendar quarter beginning April 1, 1971.

Approved May 6, 1971.

## CHAPTER 57

## FORMERLY HOUSE BILL NO. 191

**AN ACT TO AMEND PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC OFFICERS AND EMPLOYEES, AND PROVIDING FOR A UNIFORM FACSIMILE SIGNATURES OF PUBLIC OFFICIALS ACT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Part V, Title 29 of the Delaware Code, by adding thereto a new Chapter, to be known and designated as Chapter 52, which new Chapter shall read as follows:

**CHAPTER 52. UNIFORM FACSIMILE SIGNATURES OF PUBLIC OFFICIALS ACT****§ 5201. Definitions**

As used in this Act

(a) "Public Security" means a bond, note, certificate of indebtedness, or other obligation for the payment of money, issued by this state or by any of its departments, agencies, or other instrumentalities or by any of its political subdivisions.

(b) "Instrument of Payment" means a check, draft, warrant, or order for the payment, delivery, or transfer of funds.

(c) "Authorized Officer" means any official of this state or any of its departments, agencies, or other instrumentalities or any of its political subdivisions whose signature to a public security or instrument of payment is required or permitted.

(d) "Facsimile Signature" means a reproduction by engraving, imprinting, stamping, or other means of the manual signature of an authorized officer.

**§ 5202. Facsimile signature**

Any authorized officer, after filing with the Secretary of State his manual signature certified by him under oath, may

execute or cause to be executed with a facsimile signature in lieu of his manual signature:

(a) Any public security, provided that at least one signature required or permitted to be placed thereon shall be manually subscribed, and

(b) Any instrument of payment.

Upon compliance with this Act by the authorized officer, his facsimile signature has the same legal effect as his manual signature.

#### **§ 5203. Use of facsimile seal**

When the seal of this state or any of its departments, agencies, or other instrumentalities or of any of its political subdivisions is required in the execution of a public security or instrument of payment, the authorized officer may cause the seal to be printed, engraved, stamped or otherwise placed in facsimile thereon. The facsimile seal has the same legal effect as the impression of the seal.

#### **§ 5204. Violation and penalty**

Any person who with intent to defraud uses on a public security or an instrument of payment:

(a) A facsimile signature, or any reproduction of it, of any authorized officer, or

(b) Any facsimile seal, or any reproduction of it, of this state or any of its departments, agencies, or other instrumentalities or of any of its political subdivisions is guilty of a felony and shall suffer such criminal sanctions and penalties as are appropriate in this state for conviction of the crime of forgery.

#### **§ 5205. Uniformity of interpretation**

This Act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

**§ 5206. Short title**

This Act may be cited as the Uniform Facsimile Signature of Public Officials Act.

**§ 5207. Severability**

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

**§ 5208. Time of taking effect**

This Act shall take effect upon signature by the Governor."

Approved May 6, 1971.

## CHAPTER 58

FORMERLY SENATE BILL NO. 141  
AS AMENDED BY SENATE AMENDMENT NO. 1**AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE,  
PROVIDING FOR RELEASE OF POST-MORTEM AND  
AUTOPSY REPORTS, NOTIFICATION OF RELATIVES  
AND RELEASE OF REMAINS OF DECEASED TO THE  
IMMEDIATE FAMILY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 29, Chapter 47, Section 4710(b) of the Delaware Code, by adding the following sentence at the end thereof:

The Office of the Chief Medical Examiner shall promptly notify a relative or close acquaintance of the deceased, if known, of such action.

Section 2. Amend Title 29, Chapter 47, Section 4711 of the Delaware Code, by adding thereto a new paragraph, to be known and designated as paragraph (d), which shall read as follows:

(d) Promptly upon the conclusion of the post-mortem examination, the body of the decedent shall be released to such person as shall be designated by a member of the decedent's immediate family, preferably the next-of-kin or by an appropriate representative of the decedent's estate.

Section 3. Amend Title 29, Chapter 47, Section 4711 of the Delaware Code, by adding thereto a new paragraph to be known and designated as paragraph (e), which shall read as follows:

(e) Upon written request the next-of-kin of the deceased shall receive a copy of the post-mortem examination report, the autopsy report, and the laboratory reports; unless there shall be a criminal prosecution pending in which case no such reports shall be released until the criminal prosecution shall have been finally concluded. The charge for completion of an insurance form for proof of death shall be Five Dollars.

Approved May 6, 1971.

## CHAPTER 59

## FORMERLY HOUSE BILL NO. 159

**AN ACT TO AMEND SUBCHAPTER 1 OF CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO DEPARTMENTAL RECORDS OF REGISTERED VEHICLES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 2106, Chapter 21, Title 21, Delaware Code, by striking the words "on index cards" as they appear on line 4 of said Section and substitute in lieu thereof the words "in data processing computers".

Section 2. Section 2106 is further amended by striking subsection 3 in its entirety and substituting in lieu thereof the following:

(3) The vehicle identification number and, in the discretion of the Division, in any other method it determines.

Approved May 7, 1971.

CHAPTER 60

FORMERLY HOUSE BILL NO. 162  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND SUBCHAPTER VI OF CHAPTER 21,  
TITLE 21, DELAWARE CODE RELATING TO REPLACE-  
MENT FEES FOR NUMBER AND REGISTRATION  
PLATES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Section 2193, Chapter 21, Title 21, Delaware Code, by striking the figure "\$1" as it appears in the second sentence of said section and substituting in lieu thereof the figure "\$3".

Approved May 7, 1971.

## CHAPTER 61

## FORMERLY HOUSE BILL NO. 189

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE", BEING CHAPTER 649, VOLUME 18, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE ANNUAL SALARY PAID TO MEMBERS OF THE TOWN COUNCIL.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each branch concurring therein):*

Section 1. Section 13, Chapter 649, Volume 18, Laws of Delaware, is amended by striking the last sentence of said paragraph as it now appears and inserting in lieu thereof, to read as follows:

Each member of the Council shall be paid an annual salary not to exceed Two Hundred Dollars (\$200.00).

Section 2. The provisions of this Act shall become effective May 1, 1971.

Approved May 7, 1971.

CHAPTER 62

FORMERLY SENATE BILL NO. 128

**AN ACT TO AMEND TITLE 11, CHAPTER 45 OF THE  
DELAWARE CODE RELATING TO APPEALS FROM A  
CONVICTION BEFORE AN ALDERMAN OR MAYOR.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Title 11, Chapter 45, Section 4503 by striking the words "five days" contained therein and substituting in lieu thereof the words "fifteen days".

Approved May 7, 1971.

## CHAPTER 63

## FORMERLY SENATE BILL NO. 168

**AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION  
TO THE DEPARTMENT OF FINANCE.**

WHEREAS, Title 29, Chapter 55, Delaware Code, entitled "State Employees' Pension Plan", was amended by striking all of said Chapter 55 and substituting in lieu thereof a new Chapter 55; and

WHEREAS, Chapter 55, Subchapter II, Section 5521, established mandatory retirement ages for State employees; and

WHEREAS, the Division of Revenue had thirteen people retire under the provision of Section 5521, thereby entitling them to payment for accrued vacation and sick leave, thus rendering the Division's salary appropriation insufficient to bear this extraordinary expense; and

WHEREAS, the Division of Accounting and the Division of the Treasury required additional personnel as a result of reorganization; and

WHEREAS, the Division of Accounting and the Division of the Treasury experienced an abnormal amount of overtime, thereby depleting the line item for regular salaries at an excessive rate; and

WHEREAS, the Division of the Treasury was assigned the responsibility for the administration of the State Employees' Health Insurance Program, thereby necessitating two additional employees;

**NOW, THEREFORE,**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$64,000 is hereby appropriated to the Department of Finance for the Fiscal Year ending June 30, 1971, to be allocated in the following manner:

## Department of Finance

## Division of Revenue

Salaries & Wages of Employees	<u>\$40,000</u>	
		\$40,000

## Division of Accounting

Salaries & Wages of Employees	<u>10,000</u>	
		10,000

## Division of Treasury

Salaries & Wages of Employees	<u>14,000</u>	
		<u>14,000</u>

TOTAL		\$64,000
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Section 2. This Act is a supplementary appropriation, and the money appropriated herein shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated.

Section 3. Funds appropriated herein which remain unexpended on June 30, 1971 shall revert to the General Fund.

Approved May 7, 1971.

## CHAPTER 64

## FORMERLY SENATE BILL NO. 191

**AN ACT TO AMEND CHAPTER 3, TITLE 31 OF THE DELAWARE CODE, PERMITTING THE DIVISION OF SOCIAL SERVICES TO CONTINUE PAYMENTS AND ALLOCATIONS FOR DEPENDENT OR NEGLECTED CHILDREN AFTER THE CHILDREN HAVE BEEN LEGALLY ADOPTED.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 3 striking the designation "Department of Public Welfare," "Department," "Board of Welfare" or "Board" wherever the same appears and substituting in lieu thereof the designation "Division of Social Services."

Section 2. Amend § 304, Subchapter 1, Chapter 3, Title 31 of the Delaware Code, by adding thereto the following sentence:

If in the judgment of the Division, payments are necessary, proper and expedient for the care of the child, such payments may be continued for children who were dependent or neglected, but who have been legally adopted.

Section 3. Amend § 305, Subchapter 1, Chapter 3, Title 31 of the Delaware Code, by adding thereto the following sentence:

If in the judgment of the Division, such payments are necessary, proper and expedient for the care of the child, these allocations and payments may be continued to the said agency for children who were dependent or neglected, but who have been legally adopted.

Approved May 8, 1971.

## CHAPTER 65

FORMERLY HOUSE BILL NO. 7  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE,  
RELATING TO THE ILLEGAL SLAUGHTERING OF ANI-  
MAL SPECIES ON THE VERGE OF EXTINCTION, EM-  
POWERING THE DIVISION OF FISH AND WILDLIFE TO  
DESIGNATE ENDANGERED SPECIES AND PROHIBIT-  
ING THE SALE OF CERTAIN ANIMAL SKINS.**

WHEREAS, certain species of animals are on the verge of extinction and the protection of these animals is necessary not only for their natural beauty and for the purpose of biological study, but for the key role that they play in the maintenance of complicated botanical and animal life cycles directly affecting mankind; and

WHEREAS, the hides and skins of endangered species bring large profits and thereby encourage the interstate transportation and sale of hides of wildlife taken in violation of the state and national laws and in many cases killed in violation of the laws of foreign nations; and

WHEREAS, as many of her sister states have determined, after countless attempts at eliminating on site illegal slaughter and poaching, that the greatest potential for the continued existence of these species is by eliminating the market for their hides and skins.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 7 of the Delaware Code, by adding thereto a new chapter, to be known and designated as Chapter 6, which new chapter shall read as follows:

**CHAPTER 6. ENDANGERED SPECIES****§ 601. Endangered species**

Notwithstanding any other provision of this Title, the importation, transportation, possession or sale of any endangered species of fish or wildlife, or hides or other parts thereof, or the sale or possession with intent to sell any article made in whole or in part from the skin, hide or other parts of any endangered species of fish or wildlife is prohibited, except under license or permit from the Division of Fish and Wildlife. For the purposes of this Section, endangered species shall mean those species of fish and wildlife designated by the Division of Fish and Wildlife as seriously threatened with extinction. Such a list shall in any event include, but not be limited to, endangered species as so designated by the Secretary of the Interior.

**§ 602. Hides, pelts, and skins**

No part of the skin or body, whether raw or manufactured, of the following species of wild animals or the animal itself may be sold or offered for sale by any individual, firm, corporation, association or partnership within the State of Delaware: all endangered species as designated by the United States Department of the Interior; leopard (*panthera pardus*); snow leopard (*Uucia uncia*); clouded leopard (*neofilis nebulosa*); tiger (*panthera tigris*); cheetah (*Acinoyx jubatus*); alligators, crocodiles or caiman; vicuna (*vicugna vicugna*); red wolf (*canis niger*); and polar bear (*thalarctos maritimus*).

**§ 603. Enforcement**

Any officer or agent authorized by the Secretary of the Department of Natural Resources and Environmental Control or any officer or agent authorized by the Director of the Division of Fish and Wildlife, or any police officer of the State of Delaware, or any police officer of any municipality within the State of Delaware, shall have authority to execute any warrant in search for and seizure of any goods, merchandise or wildlife sold or offered for sale in violation of this Chapter, or any property or item used in connection with a violation of this Chapter; such goods, merchandise, wildlife or property shall be held pending proceedings in any court of proper jurisdiction. Upon conviction,

## CHAPTER 65

FORMERLY HOUSE BILL NO. 7  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE,  
RELATING TO THE ILLEGAL SLAUGHTERING OF ANI-  
MAL SPECIES ON THE VERGE OF EXTINCTION, EM-  
POWERING THE DIVISION OF FISH AND WILDLIFE TO  
DESIGNATE ENDANGERED SPECIES AND PROHIBIT-  
ING THE SALE OF CERTAIN ANIMAL SKINS.**

WHEREAS, certain species of animals are on the verge of extinction and the protection of these animals is necessary not only for their natural beauty and for the purpose of biological study, but for the key role that they play in the maintenance of complicated botanical and animal life cycles directly affecting mankind; and

WHEREAS, the hides and skins of endangered species bring large profits and thereby encourage the interstate transportation and sale of hides of wildlife taken in violation of the state and national laws and in many cases killed in violation of the laws of foreign nations; and

WHEREAS, as many of her sister states have determined, after countless attempts at eliminating on site illegal slaughter and poaching, that the greatest potential for the continued existence of these species is by eliminating the market for their hides and skins.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 7 of the Delaware Code, by adding thereto a new chapter, to be known and designated as Chapter 6, which new chapter shall read as follows:

**CHAPTER 6. ENDANGERED SPECIES****§ 601. Endangered species**

Notwithstanding any other provision of this Title, the importation, transportation, possession or sale of any endangered species of fish or wildlife, or hides or other parts thereof, or the sale or possession with intent to sell any article made in whole or in part from the skin, hide or other parts of any endangered species of fish or wildlife is prohibited, except under license or permit from the Division of Fish and Wildlife. For the purposes of this Section, endangered species shall mean those species of fish and wildlife designated by the Division of Fish and Wildlife as seriously threatened with extinction. Such a list shall in any event include, but not be limited to, endangered species as so designated by the Secretary of the Interior.

**§ 602. Hides, pelts, and skins**

No part of the skin or body, whether raw or manufactured, of the following species of wild animals or the animal itself may be sold or offered for sale by any individual, firm, corporation, association or partnership within the State of Delaware: all endangered species as designated by the United States Department of the Interior; leopard (*panthera pardus*); snow leopard (*Uucia uncia*); clouded leopard (*neofilis nebulosa*); tiger (*panthera tigris*); cheetah (*Acinoyx jubatus*); alligators, crocodiles or caiman; vicuna (*vicugna vicugna*); red wolf (*canis niger*); and polar bear (*thalarctos maritimus*).

**§ 603. Enforcement**

Any officer or agent authorized by the Secretary of the Department of Natural Resources and Environmental Control or any officer or agent authorized by the Director of the Division of Fish and Wildlife, or any police officer of the State of Delaware, or any police officer of any municipality within the State of Delaware, shall have authority to execute any warrant in search for and seizure of any goods, merchandise or wildlife sold or offered for sale in violation of this Chapter, or any property or item used in connection with a violation of this Chapter; such goods, merchandise, wildlife or property shall be held pending proceedings in any court of proper jurisdiction. Upon conviction,

such seized goods, merchandise or wildlife shall be forfeited and, upon forfeiture, either offered to a recognized institution for scientific or educational purposes, or destroyed.

#### **§ 604. Granting of permits**

The Director of the Division of Fish and Wildlife may permit, under such terms and conditions as he may prescribe, the importation of any species or sub-species of fish or wildlife listed in this Chapter for zoological, educational, and scientific purposes and for the propagation of such fish or wildlife in captivity for the preservation of a species, unless such importation is prohibited by any federal law or regulation.

Section 2. Should any clause, sentence, paragraph or section of this Act of the application thereof to any person or circumstances be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confirmed in its portion to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

Section 3. The provisions of this Act shall become effective thirty days after signature by the Governor.

Approved May 8, 1971.

## CHAPTER 66

## FORMERLY HOUSE BILL NO. 109

**AN ACT TO AMEND SECTION 4067, SUBCHAPTER VI, CHAPTER 40, TITLE 31, DELAWARE CODE, RELATING TO THE HOUSING DEVELOPMENT FUND OF THE DELAWARE STATE HOUSING AUTHORITY BY INCREASING THE AMOUNT OF SAID FUND.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 4067, Chapter 40, Title 31, Delaware Code, by striking the figure "\$5,000,000.00" as it appears in the first sentence thereof and inserting in lieu thereof the figure "\$8,000,000.00".

Approved May 8, 1971.

## CHAPTER 67

FORMERLY SENATE BILL NO. 262  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT AGREEING TO A PROPOSED AMENDMENT TO SECTION 1, ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE EXEMPTION FROM TAXATION OF REAL PROPERTY.**

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 125th General Assembly as follows:

**“AN ACT TO AMEND SECTION 1, ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE EXEMPTION FROM TAXATION OF REAL PROPERTY.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each branch thereof concurring therein):*

Section 1. §1, Article VIII of the Constitution of the State of Delaware is amended by striking said section in its entirety and inserting in lieu thereof a new section to read as follows:

**§1. Uniformity of taxes; collection under general laws; exemption for public welfare purposes**

Section 1. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws passed by the General Assembly. County Council of New Castle County and the Levy Courts of Kent and Sussex Counties are hereby authorized to exempt from county taxation such property in their respective counties as in their opinion will best promote the public welfare. The county property tax exemption power created by this section shall be exclusive as to such property as is located within the respective counties. With respect to real property located within the boundaries of any incorporated municipality, the authority to exempt such property from municipal property tax shall be exercised by the respective, incorporated municipality,

when in the opinion of said municipality it will best promote the public welfare.

Section 2. This Act shall become effective July 1, following its adoption. This Act shall be operative for the fiscal years of the respective counties and incorporated municipalities which commence subsequent to the effective date of this Act."

"AND WHEREAS, the said proposed amendment was agreed to by two-thirds of all the members elected to each House in the said 125th Session of the General Assembly;

NOW THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each House concurring therein):*

Section 1. That the said proposed amendment is hereby agreed to and adopted and shall forthwith become and be a part of the Constitution."

Effective May 11, 1971.

CHAPTER 68

FORMERLY HOUSE BILL NO. 23

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF JEFFERSON FARMS SWIM CLUB, INC., FROM ASSESSMENT AND TAXATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. §8105, title 9, Delaware Code, is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation a new organization known as the Jefferson Farms Swim Club, Inc.

Approved May 14, 1971.

CHAPTER 69

FORMERLY HOUSE BILL NO. 121

**AN ACT TO AMEND TITLE 14, SECTION 1913, DELAWARE  
CODE, RELATING TO "OBJECTIONS TO ASSESSMENT  
LIST; POSTING; HEARING".**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Title 14, Section 1913, Delaware Code, is hereby  
amended by repealing said section.

Approved May 14, 1971.

CHAPTER 70

FORMERLY HOUSE BILL NO. 139  
AS AMENDED BY HOUSE AMENDMENTS NO. 1, 2 AND 3

**AN ACT TO AMEND CHAPTER 1 OF TITLE 10, DELAWARE CODE, BY CREATING THE ADMINISTRATIVE OFFICE OF THE COURTS AND TRANSFERRING TO THAT OFFICE THE OFFICE OF DEPUTY ADMINISTRATOR FOR THE JUSTICE OF THE PEACE COURTS AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 10, Delaware Code, is amended by adding thereto a new Section 128 to read as follows:

**§ 128. Administrative Office of the Courts**

(a) The Administrative Office of the Courts is hereby created with a Director as head thereof.

(b) The Director shall be appointed by and serve at the pleasure of the Chief Justice of the Supreme Court of the State of Delaware. In the event the Chief Justice appoints as Director an attorney at law admitted to practice before the Delaware Supreme Court, such Director shall not practice law during his term as Director.

(c) The salary of the Director shall be determined by the Chief Justice, but in no event shall be greater than the salary of an Associate Judge of the Superior Court.

(d) The function of the Office shall be to assist the Chief Justice in carrying out his constitutional responsibilities as administrative head of all the Courts in the State, and the duties of the Office shall be as prescribed by the Chief Justice or by rule of the Supreme Court of the State of Delaware.

(e) The Director may, with the approval of the Chief Justice, appoint such deputies, administrative assistants, and clerical personnel as are required.

(f) The office of Deputy Administrator for Justice of the Peace Courts, as provided for in Sections 126 and 127 of this Title, shall be transferred to and be under the supervision of the Administrator's Office of these Courts. The administrator of any other State supported court and the funds appropriated for the salary and operation of such administrator shall, not later than June 30, 1972, be transferred to and under the supervision of the Administrative Office of the Courts."

Section 2. There is hereby appropriated to the Supreme Court of the State of Delaware the sum of \$50,000 for the fiscal year ending June 30, 1971. This is a supplementary appropriation and funds hereby appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware not otherwise appropriated. Any funds appropriated herein which remain unexpended and unencumbered shall revert to the General Fund on June 30, 1972.

Section 3. This Act shall become effective July 1, 1971.

Approved May 14, 1971.

CHAPTER 71

FORMERLY HOUSE BILL NO. 172

**AN ACT TO AMEND TITLE 30, CHAPTER 23, DELAWARE CODE, BY ALLOWING EXEMPTION FROM LICENSE REQUIREMENTS FOR CERTAIN NONPROFIT SENIOR CITIZENS CENTERS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 23, Section 2301, Title 30, Delaware Code, by adding thereto new subsections (g) and (h) to read as follows:

(g) In case any individual, co-partnership, firm, corporation, cooperative or any other association of persons acting as a unit desires to engage in or operate a nonprofit Senior Citizens Center, primarily for citizens over 60 years of age, such center shall be exempt from any license under this Chapter for Senior Citizens Center activity.

(h) For purposes of subsection (g), a nonprofit Senior Citizens Center is defined as a charitable, religious, civic, educational or cultural organization, the earnings of which are not beneficial to any private stockholder or individual.

Section 2. This Act shall become effective on July 1, 1971.

Approved May 14, 1971.

## CHAPTER 72

FORMERLY HOUSE BILL NO. 197  
AS AMENDED BY HOUSE AMENDMENT NO. 2**AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 5, TITLE 28  
OF THE DELAWARE CODE RELATING TO LICENSES TO  
CONDUCT HARNESS RACING MEETS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend subsection (c), section 522, Chapter 5, Title 28 of the Delaware Code, by striking the present subsection (c) in its entirety and substituting in lieu thereof a new subsection (c) which shall read as follows:

(c) The Commission shall, on or before the 15th day of September of the year preceding that for which a license is desired, award all dates for Harness Horse Racing in this State for the succeeding year; but the dates so awarded, shall not exceed one hundred fifty (150) days in the aggregate for New Castle County, two hundred (200) days in the aggregate for Kent and Sussex Counties. The dates available for award as stated above shall be used by the licensees for racing in only those counties except that dates not requested by licensees can, at the discretion of the Commission, be reassigned to other county or counties as may apply. Each licensed track, upon request, shall be guaranteed a minimum of seven weeks of racing. In awarding such dates, the Commission shall observe previous traditional seasons. If the Harness Racing dates as applied for do not conflict with each other, the Commission shall award the dates applied for. If the racing dates as applied for conflict with each other, the Commission shall award each of such applicants at its discretion; provided, however, that there shall be no racing between the Saturday before and the Saturday after Christmas unless Christmas falls on Saturday or Sunday in which case there shall be no racing between the Monday before Christmas and the Monday after Christmas. The action of the Commission shall be final.

Section 2. Amend subsection (d), section 522, Chapter 5, Title 28 of the Delaware Code, by striking said subsection (d) in its entirety.

Approved May 14, 1971.

## CHAPTER 73

## FORMERLY SENATE BILL NO. 170

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE EDUCATIONAL CONTINGENCY FUND TO MEET DEFICIENCIES IN REGULAR APPROPRIATIONS FOR MANDATED EDUCATION PROGRAMS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$956,000 is hereby appropriated to the Educational Contingency Fund to provide for deficiencies in regular appropriations for Substitute Teachers, Homebound Teachers and Transportation.

Section 2. The funds appropriated shall be used only for the purposes specified and any funds hereby appropriated that remain unexpended on June 30, 1971, shall revert to the General Fund of the State of Delaware.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund from funds not otherwise appropriated.

Approved May 14, 1971.

CHAPTER 74

FORMERLY SENATE BILL NO. 173  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO  
THE EDUCATIONAL CONTINGENCY FUND TO MEET  
THE DEFICIENCY IN THE REGULAR APPROPRIATION  
FOR TRANSPORTATION OF NONPUBLIC-NONPROFIT  
SCHOOL PUPILS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$77,580 is hereby appropriated to the Educational Contingency Fund to provide for the deficiency in the regular appropriation for Non-Public School Transportation.

Section 2. The funds appropriated shall be used only for the purposes specified and any funds hereby appropriated that remain unexpended on June 30, 1971, shall revert to the General Fund of the State of Delaware.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved May 14, 1971.

## CHAPTER 75

FORMERLY SENATE SUBSTITUTE NO. 1  
 FOR SENATE BILL NO. 184  
 AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION  
 TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND  
 ECONOMIC DEVELOPMENT.**

WHEREAS, Title 29 was amended by the addition of Chapter 86, to establish a Department of Community Affairs and Economic Development; and

WHEREAS, Chapter 86, Sections 8605 and 8612, provides for the establishment of the Division of Consumer Affairs; and

WHEREAS, appropriated funds for Fiscal 1971 are insufficient to perform these functions.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$6,838 is appropriated to the Department of Community Affairs and Economic Development to provide operating funds for the last quarter of Fiscal 1971. The sum is to be allocated as follows:

Division of Consumer Affairs:	
Salary of Director	\$3,125
Salaries & Wages of Employees	2,713
Travel	250
Contractual Services	500
Supplies & Materials	250
	<u>250</u>
	\$6,838

Section 2. Funds appropriated herein shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. This is a Supplementary Appropriation Act, and funds appropriated herein which remain unexpended or unencumbered on June 30, 1971, shall revert to the General Fund.

Approved May 14, 1971.

## CHAPTER 76

FORMERLY SENATE BILL NO. 143  
AS AMENDED BY SENATE AMENDMENT NO. 3**AN ACT TO AMEND TITLE 29, DELAWARE CODE, CHAPTER 80, BY CREATING A NEW SUBSECTION RELATING TO THE POWERS AND DUTIES OF THE SECRETARY OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO MAKE GRANTS FOR THE CONSTRUCTION OF WATER POLLUTION CONTROL FACILITIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 29, Delaware Code, Chapter 80, is hereby amended by adding a new Subsection (k) to § 8003 as follows:

(k) The Secretary is empowered to administer and distribute funds in the form of grants to qualified agencies for the construction of water pollution control facilities from such funds as may be appropriated from time to time for this purpose.

(1) Definitions:

(i) "Qualified agency" as used in this subsection shall mean any legally incorporated town or city, levy courts or other governments of the counties or sewer districts authorized by law and organized to provide publically owned and operated water pollution control facilities.

(ii) "Water pollution control facilities" as used in this subsection shall mean engineering services rendered in the design and construction of the project, waste water treatment plants, intercepting sewers (collection system excluding house connections), repair of streets damaged in the construction process, or any other necessary appurtenances required by the Department for proper operation of the system.

(2) The Secretary shall develop procedures for the administration and distribution of grants. A qualified applicant proceeding with the construction of water pollution control

Section 3. This is a Supplementary Appropriation Act, and funds appropriated herein which remain unexpended or unencumbered on June 30, 1971, shall revert to the General Fund.

Approved May 14, 1971.

## CHAPTER 76

FORMERLY SENATE BILL NO. 143  
AS AMENDED BY SENATE AMENDMENT NO. 3**AN ACT TO AMEND TITLE 29, DELAWARE CODE, CHAPTER 80, BY CREATING A NEW SUBSECTION RELATING TO THE POWERS AND DUTIES OF THE SECRETARY OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO MAKE GRANTS FOR THE CONSTRUCTION OF WATER POLLUTION CONTROL FACILITIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 29, Delaware Code, Chapter 80, is hereby amended by adding a new Subsection (k) to § 8003 as follows:

(k) The Secretary is empowered to administer and distribute funds in the form of grants to qualified agencies for the construction of water pollution control facilities from such funds as may be appropriated from time to time for this purpose.

(1) Definitions:

(i) "Qualified agency" as used in this subsection shall mean any legally incorporated town or city, levy courts or other governments of the counties or sewer districts authorized by law and organized to provide publically owned and operated water pollution control facilities.

(ii) "Water pollution control facilities" as used in this subsection shall mean engineering services rendered in the design and construction of the project, waste water treatment plants, intercepting sewers (collection system excluding house connections), repair of streets damaged in the construction process, or any other necessary appurtenances required by the Department for proper operation of the system.

(2) The Secretary shall develop procedures for the administration and distribution of grants. A qualified applicant proceeding with the construction of water pollution control

facilities shall receive a minimum of 25% of the costs determined to be eligible by the Secretary and the Federal Water Pollution Control Administration for those projects that receive aid from the Federal Water Pollution Control Administration pursuant to Public Law 660, but in no case shall the grant of State Funds be more than 33 1/3% of the total cost of the water pollution control facilities. The acquisition of real property shall not be an eligible project cost. In compiling these costs no deduction shall be made for any Federal grant of funds for the project.

(3) All projects for which contracts for the start of construction were awarded since January 1, 1970 shall be eligible for grants under this program.

(4) All projects receiving grants shall conform with an abatement plan approved by the Secretary.

(5) (a) Before any funds can be expended under this subsection, the Secretary shall, as often as he sees fit, but at least annually, submit to the Council on Environmental Control a list of priorities consisting of all proposed water pollution control facility projects which he approves; each project appearing in order according to the Secretary's view of the priority each should be given in relation to other proposed projects.

(b) The Said Council shall not hold a public hearing concerning the priority assigned to the proposed projects, at which hearing any interested person may be heard. After said hearing, the said Council shall then review, comment upon, approve or rearrange the priority assigned to each proposed project. In the event the said Council rearranges the priorities assigned to the proposed projects, then the Secretary shall expend the moneys under this subsection for the proposed projects in order of their priority as rearranged by said Council.

(c) Should the Council fail to make comments, approve, or rearrange the Secretary's list of priorities within thirty (30) days of its submission to the Council, or should it approve the Secretary's list of priorities as submitted, the list of priorities shall be deemed approved as submitted, and the Secretary may expend funds hereunder as he had proposed; provided that the Secretary may revise his own list of priorities under this section at any time with the consent and approval of the Council.

(d) "List of priorities" as the term appears in this subsection shall mean an enumeration of proposed projects for the construction of water pollution control facilities compiled in descending order according to their importance and feasibility.

Approved May 18, 1971.

CHAPTER 77

FORMERLY HOUSE BILL NO. 194

**AN ACT TO AMEND CHAPTER 647, VOLUME 57, LAWS OF DELAWARE, ALLOWING UNEXPENDED FUNDS APPROPRIATED THEREIN TO BE USED TO BUILD A HANGAR FOR THE STATE POLICE HELICOPTER.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 5, Chapter 647, Laws of Delaware, by striking the Section in its entirety and substituting a new Section 5 to read as follows:

Any money appropriated herein and unexpended or unencumbered by June 30, 1971, may be used by the Division of State Police of the Department of Public Safety for the construction of a helicopter hangar at State Police headquarters. Thereafter, any money appropriated herein and unexpended or unencumbered shall revert to the General Fund of the State of Delaware on December 31, 1971.

Approved May 20, 1971.

## CHAPTER 78

## FORMERLY HOUSE BILL NO. 243

**AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE  
BY ELIMINATING THE POSTING OF ASSESSMENT  
LISTS AND HEARING OBJECTIONS THERETO.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 14, Chapter 19, Subchapter I, Delaware Code, by striking Section 1913 in its entirety.

Section 2. Amend Title 14, Chapter 21, Delaware Code, by striking subsection (b) of Section 2115 in its entirety.

Approved May 20, 1971.

CHAPTER 79

FORMERLY HOUSE BILL NO. 160

**AN ACT TO AMEND SUBCHAPTER 1 OF CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO PERMANENT LICENSE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 2714 (b), Chapter 27, Title 21, Delaware Code, by striking subsection (b) in its entirety and substituting a new subsection (b) to read as follows:

(b) Each holder of a permanent drivers license shall pay an additional fee of One Dollar (\$1) every four years to the Department in payment of the cost of a photograph which will be taken by the Department. Nonpayment of this fee shall subject the licensee to suspension of his license as provided in subchapter 11 of Chapter 27 herein.

Approved May 20, 1971.

## CHAPTER 80

FORMERLY HOUSE BILL NO. 163  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND SECTION 3507, TITLE 11, DELAWARE CODE, AND SECTION 4176 (a), TITLE 21, DELAWARE CODE, RELATING TO EVIDENCE OF WEIGHT OF ALCOHOL IN THE BLOOD OF A PERSON ALLEGED TO HAVE DRIVEN, OPERATED, OR HAD IN ACTUAL PHYSICAL CONTROL A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 3507, Title 11, Delaware Code, by striking the word "two" as it appears in the first sentence thereof and substituting in lieu thereof the word "four."

Section 2. Amend Section 3507, Title 11, Delaware Code, further by inserting the words "Operating or had in actual physical control" after the word "driving" as it appears in the first sentence thereof.

Section 3. Amend Section 4176 (a), Title 21, Delaware Code, by deleting the word "two" as it appears therein and substituting in lieu thereof the word "four."

Approved May 20, 1971.

CHAPTER 81

FORMERLY SENATE BILL NO. 110

**AN ACT TO AMEND CHAPTER 736, VOLUME 57, LAWS OF DELAWARE, KNOWN AS THE "ANNUAL CAPITAL IMPROVEMENT ACT OF 1971" BY PROVIDING AN ALTERNATIVE TO ALTERATIONS OF CERTAIN FACILITIES AT THE WOODS HAVEN-KRUSE SCHOOL.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all members elected to each branch thereof concurring therein):*

Section 1. Chapter 736, Volume 57, Laws of Delaware, is hereby amended by adding to Section 7 (a) the following:

\$425,000 of the sum appropriated to the Department of Health and Social Services may be used for alterations and/or replacement of the Bancroft Cottage at the Woods Haven-Kruse School.

Approved May 20, 1971.

## CHAPTER 82

## FORMERLY SENATE BILL NO. 98

**AN ACT TO AMEND CHAPTER 299, VOLUME 57, LAWS OF DELAWARE, KNOWN AS THE "ANNUAL CAPITAL IMPROVEMENT ACT OF 1970" BY PROVIDING AN ALTERNATIVE TO ALTERATIONS OF CERTAIN FACILITIES AT THE WOODS HAVEN-KRUSE SCHOOL.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all members elected to each branch thereof concurring therein):*

Section 1. Chapter 299, Volume 57, Laws of Delaware, is hereby amended by adding to Section 7 (j) the following:

\$425,000 of the sum appropriated to the Youth Services Commission may be used for alterations and/or *replacement of the Marks Cottage at the Woods Haven-Kruse School.*

Approved May 20, 1971.

CHAPTER 83  
FORMERLY SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 190  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE  
RELATING TO PUBLIC LANDS.**

WHEREAS, Title 7, Section 4520, Delaware Code, enacted by the 125th General Assembly precludes the transfer or conveyance of public lands to persons or agencies without expressed approval of the legislature; and

WHEREAS, the State of Delaware via the Department of Natural Resources and Environmental Control holds title to lands herein mentioned; and

WHEREAS, situations have arisen where privately owned land is land-locked by adjoining public lands thus causing inconvenience to said property owners herein mentioned; and

WHEREAS, said private property owners requesting rights-of-way across public lands are the White River Estates of Sussex County and Porter Realty Corp. of Seaford, Delaware;

**NOW, THEREFORE:**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each branch concurring therein):*

Section 1. The Secretary of the Department of Natural Resources and Environmental Control is hereby empowered and directed to grant WHITE RIVER ESTATES, present fee simple owners of certain land located in Sussex County, a right-of-way across lands of the State of Delaware (formerly known as the Henry property) located on State Route No. 496 and is hereby directed and empowered to receive a comparable portion of land from said White River Estates. The right-of-way is described as follows:

Beginning at a point on the northern boundary line of State Route 496, approximately 1,700 feet from the intersection of said Route 496 with State Route No. 493, which said point is the southeastern corner of the area permitted for purposes of said ingress and egress; thence, across property of the State of Delaware (formerly the Henry property) in a direction N. 03° 45' E. a distance of 381 feet, more or less, to a point on the southern boundary line of the property of WHITE RIVER ESTATES; thence, along the line of WHITE RIVER ESTATES S. 88° 0' W. a distance of fifty feet, more or less, to a point; thence, across the property of the State of Delaware S. 03° 45' W. a distance of 381 feet, more or less, to a point on the northern boundary of Route 496 which point is approximately 500 feet from the road entrance sign; thence, along the northern line of Route 496 running N. 88° 0' E. a distance of 50 feet, more or less, to the point and place of beginning. All metes, bounds, distances and scale figures are derived from a hand-drawn plat entitled: LOCATION MAP, WHITE RIVER ESTATES.

Section 2. The Secretary of the Department of Natural Resources and Environmental Control is hereby empowered and directed to grant to PORTER REALTY CORPORATION, present fee simple owners of certain land located near Woodland Ferry in Sussex County, a right-of-way across lands of the State of Delaware located on Red House Road, which right-of-way is described as follows:

A right-of-way fifty feet wide between parallel lines beginning at the intersection of Red House Road with the private road of Everett Conaway and a corner of the parcel of land of Everett Conaway located on the Nanticoke River which contains the Conaway homeplace; from said point and place of beginning the right-of-way shall run 130 yards to a point; from said point on or near Red House Road, the easement shall turn northward for 150 yards to the lands of PORTER REALTY CORPORATION.

Approved May 20, 1971.

## CHAPTER 84

FORMERLY SENATE SUBSTITUTE NO. 1  
 FOR SENATE BILL NO. 172  
 AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION  
 TO THE COURTS OF THE STATE OF DELAWARE.**

WHEREAS, Section 103, Title 10, Delaware Code, was amended by House Bill 664, Second Session of the 125th General Assembly, to increase the salaries of the State Judiciary; and

WHEREAS, House Bill 664 did not provide funds for paying Judicial salary increases; and

WHEREAS, various Court expenses have increased at a rate greater than anticipated.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$236,000 is appropriated to the Courts listed below; the sum to be allocated as follows:

Supreme Court			
Salary of Chief Justice	\$	4,750	
Salaries of Associate Justices		<u>9,500</u>	
			\$ 14,250
Court of Chancery			
Salary of Chancellor	\$	3,750	
Salaries of Vice-Chancellors		7,500	
Personal Services		350	
Contractual Services		<u>400</u>	
			12,000
Superior Court			
Salary of President Judge	\$	3,750	
Salaries of Associate Judges		30,000	
Contractual Services – Jury Duty		<u>141,000</u>	
			174,750

Common Pleas Court – Kent County		
Salary of Judge	\$ 3,000	
Contractual Services – Jury Duty	<u>4,000</u>	7,000
Common Pleas Court – Sussex County		
Salary of Judge	\$ 3,000	
Contractual Services – Jury Duty	<u>1,300</u>	4,300
Common Pleas Court – New Castle County		
Salaries of Judges	\$ <u>6,000</u>	6,000
Family Court – Kent & Sussex Counties		
Salaries of Judges	\$ <u>6,000</u>	6,000
Family Court – New Castle County		
Salaries of Judges	\$ <u>9,000</u>	9,000
New Castle County Law Library		
Capital Outlay – Law Books	\$ <u>2,700</u>	2,700
TOTAL		<u>\$236,000</u>

Section 2. The funds appropriated by this Act shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. This is a Supplementary Appropriation Act, and any money appropriated herein and unexpended shall revert to the General Fund on June 30, 1971.

Approved May 20, 1971.

## CHAPTER 85

## FORMERLY SENATE BILL NO. 260

**AN ACT TO AMEND AN ACT BEING CHAPTER 166, VOLUME 37, LAWS OF DELAWARE ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" AS AMENDED, BY INCREASING THE AMOUNT OF TAXES THAT MAY BE RAISED IN ANY ONE YEAR.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each house thereof concurring therein):*

Section 1. Section 8, Chapter 166, Volume 37, Laws of Delaware, as amended, is hereby further amended by striking out all of said Section 8 and substituting in lieu thereof the following:

Section 8. The said Mayor and Council of the Town of Selbyville shall at its first stated meeting in every year determine the amount of taxes to be raised in said Town for that year, provided that the amount to be raised shall not in any year be more than One Hundred Thousand Dollars (\$100,000.00); and it shall appoint an assessor, who may or may not be one of the Councilmen, to make an assessment of persons and property in said Town; and it shall also appoint a collector and treasurer who may or may not be the same person. It shall be the duty of the assessor of said Town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of said Town, and also assess all the citizens of said Town, both male and female, of the age of twenty-one years and upwards, Two Dollars as a capitation tax. Provided, however, that nothing herein contained shall in any way render subject to levy and taxation any property in said Town that may now be expressly exempted from taxation and assessment by law. The said assessor, after making said assessment, shall forthwith deliver to The Mayor and Council of the Town of Selbyville a duplicate containing the names of all persons assessed and the amount of the assessment, distinguishing the real and personal property of each. The Council shall assess the real and personal estate of the assessor. The said Mayor and Council of the Town of Selbyville shall within fifteen days after receiving said duplicate assessment list cause a complete and full transcript of said duplicate to be hung up in a public and

conspicuous place in said Town, there to remain for the space of twenty days thereafter for public inspection; and the said Mayor and Council of the Town of Selbyville shall, on the Wednesday next after the expiration of the said period of twenty days, from two o'clock to four o'clock in the afternoon, sit to hear appeals from said assessment. Notice of the hanging up of the list, and also at the same time notice of the time and place of hearing appeals shall be given by notices posted in at least six public places in said Town. They shall have the power on such day to add to or take from the amount of any assessment, except that of capitation tax which shall always remain at Two Dollars per capita. The decision of a majority of the said Mayor and Council of the Town of Selbyville, upon any appeal, shall be final and conclusive. No member of said Council shall sit upon his own appeal, but the same shall be heard and determined by the others. Immediately after the appeal day the said Mayor and Council of the Town of Selbyville shall cause the assessment list to be transcribed and the transcript to be delivered to the collector. He thereupon shall collect from each taxable his proportion of the tax assessed, but in the collection of taxes the said collector shall deduct five per cent from the amount of the tax assessed against the property of any one who shall pay such tax by the first day of May following the assessment of said tax, and shall deduct four per cent from the amount of taxes assessed against the property of any one who shall pay such tax by the first day of June following the assessment of said tax. The full amount of the tax assessed is due if collected during the months of June, July and August, and beginning with the first day of September the collector shall add one per cent each month as a penalty, until the tax assessed is collected. The collector shall pay over the whole amount that he may have collected, after deducting his commissions and any delinquencies which may be allowed, to the Treasurer, on or before the first day of January next after the receipt of his duplicate. The collector shall have the same power in the collection of said taxes as is conferred by law upon the Receiver of Taxes and County Treasurer of Sussex County.

Approved May 20, 1971.

CHAPTER 86

FORMERLY SENATE BILL NO. 231

**AN ACT INSTRUCTING THE DIRECTOR OF THE DIVISION OF ARCHIVES AND CULTURAL AFFAIRS TO PUBLISH THE BOUNDARIES OF DELAWARE.**

WHEREAS, no single document or section of the Delaware Code now exists which clearly and concisely describes the boundaries of the State of Delaware; and

WHEREAS, prospective real estate and industrial developers, developers and consumers of the State's natural resources, law enforcement officials, courts, and many other interested citizens need access to a single description of the boundaries;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Director of the Division of Archives and Cultural Affairs is hereby directed to publish a small pamphlet setting forth in latitudes and longitudes, as currently determined by the U.S. Coast and Geodetic Survey, the boundaries of the State of Delaware. In addition to other distribution, copies shall be sent to the Department of Natural Resources and Environmental Control, the State Department of Highways and Transportation, the Legislative Council, and the Library of Congress.

Approved May 20, 1971.

## CHAPTER 87

## FORMERLY SENATE BILL NO. 99

**AN ACT TO REVISE THE GENERAL CORPORATION LAW RELATING TO CORPORATIONS CLASSIFIED AS PRIVATE FOUNDATIONS FOR FEDERAL INCOME TAX PURPOSES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the members of each House thereof concurring therein):*

Section 1. Chapter 1, Title 8, Delaware Code, is hereby amended by adding the following new Section 127:

**§ 127. Private foundation; powers and duties**

A corporation of this State which is a private foundation under the United States internal revenue laws and whose certificate of incorporation does not expressly provide that this section shall not apply to it is required to act or to refrain from acting so as not to subject itself to the taxes imposed by Sections 4941 (relating to taxes on self-dealing), 4942 (relating to taxes on failure to distribute income, 4943 (relating to taxes on excess business holdings), 4944 (relating to taxes on investments which jeopardize charitable purpose), or 4945 (relating to taxable expenditures) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent United States internal revenue law.

Section 2. This act shall be effective upon its approval by the Governor.

Approved May 20, 1971.

CHAPTER 88

FORMERLY SENATE BILL NO. 103

**AN ACT TO REVISE THE TRUST LAW RELATING TO TRUSTS CLASSIFIED AS PRIVATE FOUNDATIONS FOR FEDERAL INCOME TAX PURPOSES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 35, Title 12, Delaware Code, is hereby amended by adding the following new Section 3540:

**s 3540. Powers and duties of certain trustees**

All trustees of any trust governed by the laws of this State whose governing instrument or instruments do not expressly provide that this section shall not apply to such trust are required to act or to refrain from acting so as not to subject the trust to the taxes imposed by Section 4941 (relating to taxes on self-dealing), 4942 (relating to taxes on failure to distribute income), 4943 (relating to taxes on excess business holdings), 4944 (relating to taxes on investments which jeopardize charitable purpose), or 4945 (relating to taxable expenditures) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent United States internal revenue law.

Section 2. This act shall be effective upon its approval by the Governor.

Approved May 20, 1971.

## CHAPTER 89

## FORMERLY SENATE BILL NO. 42

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HIGHWAYS AND TRANSPORTATION FOR THE PURPOSE OF CORRECTING THE DRAINAGE PROBLEM CREATED DURING THE CONSTRUCTION OF STATE HIGHWAY ROUTE HIGHWAY ROUTE NO. 14 AND TO OVERCOME FREQUENT FLOODING DUE TO TIDEWATER BACKUP.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby appropriated the sum of Fifty Thousand Dollars to the Department of Highways and Transportation for the purpose of correcting the drainage problem created during the construction of State Highway Route No. 14, and to overcome frequent flooding due to the tidewater backup. The Department of Highways and Transportation is authorized to conduct the construction and engineering necessary, including the cleaning of the bottom of the lagoon to increase the lagoon's effectiveness as a storm water reservoir. This appropriation is made with the understanding that the Town of Bethany Beach will furnish all necessary rights-of-way, including any rights of the Department of Highways and Transportation to block the lagoon and/or set water levels within the Town of Bethany Beach, and this appropriation is contingent thereon. Upon completion of the project contemplated by this Act, the Town of Bethany Beach will operate, maintain, and supply power for the drainage installation which may be constructed to correct the aforementioned drainage problem.

Section 2. This Act shall be known as a supplementary appropriation act, and the funds hereby appropriated shall be paid from the General Fund of the State Treasury not otherwise appropriated. Any funds appropriated by this Act remaining unexpended shall revert to the General Fund of the State Treasury on June 30, 1972.

Approved May 20, 1971.

## CHAPTER 90

## FORMERLY SENATE BILL NO. 230

**AN ACT TO AMEND PART VII, TITLE 16 OF THE DELAWARE CODE REQUIRING THE USE OF SAFETY GLAZING MATERIALS IN HAZARDOUS LOCATIONS IN RESIDENTIAL, INDUSTRIAL, COMMERCIAL OR PUBLIC BUILDINGS AS A MEANS OF PROTECTING THE PUBLIC AGAINST DEATH AND INJURY CAUSED BY SPLINTERED GLASS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Part VII, Title 16 of the Delaware Code, by adding thereto a new chapter, to be known and referred to as Chapter 86, which new chapter shall read as follows:

**CHAPTER 86. GLASS AND SAFETY GLAZED MATERIALS**

**§ 8601. Definitions**

As used in this Act:

(A) "Safety glazing material" means any glazing material, such as tempered glass, laminated glass, wire glass or rigid plastic, which meets the test requirements of the current American National Standards Institute Standard Z-97.1 and such further requirements as may be adopted by the Building Inspector of the county in which the construction is done after notice and hearing as required by the county in which the construction is located, and which are so constructed, treated, or combined with other materials as to minimize the likelihood of cutting and piercing injuries resulting from human contact with the glazing material.

(B) "Hazardous locations" means those installations, glazed or to be glazed in industrial, commercial and public buildings, known as framed or unframed glass entrance doors; and those installations, glazed or to be glazed in residential buildings and other structures used as dwellings, industrial buildings, commercial buildings, and public buildings, known as sliding glass doors, storm doors, shower doors, bathtub enclosures, and fixed glazed panels

adjacent to entrance and exit doors which because of their location present a barrier in the normal path traveled by persons going into or out of these buildings, and because of their size and design may be mistaken as means of ingress or egress; and any other installation, glazed or to be glazed, wherein the use of other than safety glazing materials would constitute an unreasonable hazard as the inspector of the county in which the construction is done may determine after notice and hearings as required by the county in which the construction is located whether or not the glazing in such doors, panels, enclosures and other installations is transparent.

#### **§8602. Labeling required**

(A) Each light of safety glazing material manufactured, distributed, imported, or sold for use in hazardous locations or installed in such a location within the State of Delaware shall be permanently labeled by such means as etching, sandblasting, firing of ceramic material on the safety glazing material, or by other suitable means. The label shall identify the labeler, whether manufacturer, fabricator or installer, and the nominal thickness and the type of safety glazing material and the fact that said material meets the test requirements of the current American National Standard Institute Standard Z-97.1 and such further requirements as may be adopted by the building inspector of the county in which the construction is done.

The label must be legible and visible after installation.

(B) Such safety glazing labeling shall not be used on other than safety glazing materials.

#### **§8603. Safety glazing materials required**

It shall be unlawful within the State of Delaware to sell, fabricate, glaze or contract to install for another, glazing materials other than safety glazing materials in, or for use in, any hazardous location.

#### **§8604. Employees not covered**

No liability under this Act shall be created as to workmen who are employees of a contractor, subcontractor, or other employer responsible for compliance with this Act.

**§ 8605. Penalty**

Whoever violates the provisions of this Act shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50.00 or more than \$1000. The Superior Court of the State of Delaware shall have exclusive jurisdiction of violations of this Chapter.

**§ 8606. Local ordinances**

This Act shall supersede any local, municipal or county ordinance or parts thereof relating to the subject matter hereof.

**Section 2. Effective date**

This Act shall take effect January 1, 1972, but it shall not apply to any verbal or written contract, involving the manufacture, fabrication, glazing, construction, installation, purchase or sale of glass, awarded or consumated prior thereto.

Approved May 20, 1971.

## CHAPTER 91

## FORMERLY HOUSE BILL NO. 26

**AN ACT TO AMEND CHAPTER 125, VOLUME 56 OF THE LAWS OF DELAWARE, LOWERING THE VOTING AGE OF A RESIDENT TO EIGHTEEN (18) YEARS OF AGE FROM THE PRESENT REQUIREMENT OF TWENTY-ONE (21) YEARS OF AGE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each branch thereof concurring therein):*

Section 1. Amend Section 3, Chapter 125, Volume 56 of the Laws of Delaware by striking the phrase "twenty-one (21) years" as the same appears in paragraph (a) of said Section 3, and substituting in lieu thereof the phrase "eighteen (18) years".

Approved May 27, 1971.

## CHAPTER 92

FORMERLY HOUSE BILL NO. 36  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND PART IV, CHAPTER 41, TITLE 15 OF  
THE DELAWARE CODE, RELATING TO ELECTIONS;  
AND PROVIDING FOR MAPS SHOWING REPRESENTATIVE  
DISTRICTS TO BE LOCATED AT EACH  
POLLING PLACE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Part IV, Chapter 41, Title 15 of the Delaware Code, by adding a new section thereto, to be known and designated as Section 4107, which new section shall read as follows:

**§4107. Maps at each polling place**

The Department of Elections shall print individual, large-size wall maps for each representative district within the State. The individual maps shall also designate the boundaries of all election districts within each representative district, with every polling place therein plainly marked on the map.

The representative district maps printed in compliance with this section shall be displayed in a prominent location in each polling place of such representative district during regular voting hours. Any voter shall be allowed access to said map to determine correct voting places, election districts and Representative Districts so long as there is no unreasonable interference with voting procedures.

Approved May 27, 1971.

## CHAPTER 93

FORMERLY HOUSE BILL NO. 165  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 3, SECTION 309, TITLE 21,  
DELAWARE CODE RELATING TO SATURDAY AS A  
LEGAL HOLIDAY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Section 309, Chapter 3, Title 21,  
Delaware Code, by striking said section in its entirety.

Approved May 27, 1971.

CHAPTER 94

FORMERLY HOUSE BILL NO. 186

**AN ACT TO AMEND TITLE 19, DELAWARE CODE, PROVIDING FOR THE AMOUNT OF WAGES UPON WHICH DEATH COMPENSATION SHALL BE BASED.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 2330 (b), Chapter 23, Title 19, Delaware Code, by striking the figure "75" as it appears in the first sentence thereof and substituting in lieu thereof the figure "112.50".

Approved May 27, 1971.

## CHAPTER 95

FORMERLY HOUSE BILL NO. 192  
AS AMENDED BY HOUSE AMENDMENT NO. 1  
AND SENATE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 73, TITLE 16, DELAWARE  
CODE, BY CREATING A NEW SUBCHAPTER TO COVER  
THE OWNERSHIP, USE AND FILLING OF LIQUEFIED  
PETROLEUM GAS CONTAINERS.

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each branch thereof concurring therein):*

Section 1. Chapter 73, Title 16, of the Delaware Code, is hereby amended by adding thereto a new subchapter, to be designated as Subchapter 11, to read as follows:

SUBCHAPTER 11. LIQUEFIED PETROLEUM GAS  
CONTAINERS

## §7310. Definitions

(a) The term "person" as used in this subchapter means any person, firm, or corporation.

(b) The term "owner" as used in this subchapter means any person who holds a written bill of sale under which title or ownership to a container was transferred to such person, or any manufacturer of a container who has not sold or transferred ownership thereof by written bill of sale.

(c) The term "liquefied petroleum gas" as used in this subchapter means any material which is composed predominately of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes (normal butane and isobutane) and butylenes.

## §7311. Unlawful use, filling, refilling, etc. of containers

No person except the owner thereof or person authorized in writing by the owner shall fill or refill with liquefied petroleum

gas, or any other gas or compound, a liquefied petroleum gas container; or buy, sell, offer for sale, give, take, loan, deliver or permit to be delivered, or otherwise use, dispose of, or traffic in a liquefied petroleum gas container or containers if the container bears upon the surface thereof in plainly legible characters the name, initials, mark or other device of the owner; nor shall any person other than the owner of a liquefied petroleum gas container or a person authorized in writing by the owner deface, erase, obliterate, cover up, or otherwise remove or conceal any name, mark, initial or device thereon.

#### **§ 7312. Presumptive evidence of unlawful use**

The use of a liquefied petroleum gas container or containers by any person other than the person whose name, mark, initial or device is on the liquefied petroleum gas container or containers, without written consent, or purchase of the marked and distinguished liquefied petroleum gas container for the sale of liquefied petroleum gas or filling or refilling with liquefied petroleum gas, or possession of the liquefied petroleum gas containers by any person other than the person having his name, mark, initial or other device thereon, without the written consent of such owner, shall be presumptive evidence of the unlawful use, filling, or refilling, or trafficking in of such liquefied petroleum gas containers.

#### **§ 7313. Arrest for violation**

If any person or the president, secretary, treasurer, or other officer of any corporation mentioned in Section 7310 of this subchapter, or his duly authorized agent who has personal knowledge of the facts, makes oath in writing before any Justice of the Peace that the party making such affidavit believes that any of his liquefied petroleum gas containers marked with the name, initials, mark or any other device of the owner, are in the possession of or being used by or being filled or refilled by any person who is not the owner or agent of the owner, and who is in the possession of filling or refilling, or using any such containers without the written consent of the owner of the name, initials or trademark, the Justice of the Peace, when satisfied that there is probable cause, may issue a warrant and cause the person designated to be brought into court for the purpose of discovering and obtaining the container, and if the Justice of the Peace finds

that the person has been guilty of a violation of Section 7311 of this subchapter, he may impose the punishment herein prescribed, and he shall also award the possession of property acquired by such warrant to the owner thereof.

#### **§7314. Penalty and jurisdiction**

Any person who violates any of the foregoing provisions of this Section 7311 shall be guilty of a misdemeanor and upon conviction thereof may be punished by imprisonment for not more than 90 days or by a fine not exceeding \$300, or by both such fine and imprisonment for each separate offense. Justices of the Peace shall have original jurisdiction over any such offense.

#### **§7315. Disposition of fines and costs**

The costs incurred in the enforcement of this subchapter shall be assessed and collected in the same manner as in other criminal cases, and all fines collected by virtue of this subchapter shall be turned over in the same manner and for the same purposes as criminal and misdemeanor fines are disposed of by law.

#### **§7316. Non-applicability to small containers**

Nothing in this subchapter shall apply to or shall be construed to affect a liquefied petroleum gas container having a total capacity of thirty pounds or less.

Approved May 27, 1971.

## CHAPTER 96

FORMERLY HOUSE BILL NO. 234  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE  
DELAWARE CODE RELATING TO ADDITIONAL PAY-  
MENTS FOR INJURIES OR DEATH AND INCIDENTAL  
BENEFITS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Chapter 23, Title 19, Delaware Code, by adding thereto a new Section 2334 to read as follows:

**§ 2334. Benefit adjustment**

Any person who is totally disabled on the date this section is enacted, or any widow, widower, or dependent who is receiving benefits under Section 2330 on the date this section is enacted shall be entitled to an additional amount of compensation as calculated under subsection (a) and (b) of this section, provided that the total amount to be received shall not exceed the maximum weekly benefit rate in Section 2324 effective on September 1, 1970, or the benefit derived from Section 2330 as of September 1, 1971.

(a) In any case where a totally disabled person, or a widow, widower or a dependent is presently receiving the maximum weekly income benefit rate applicable at the time such award was made, the supplemental allowance shall be an amount which when added to such award would equal the maximum weekly benefit rate effective on September 1, 1970, or the benefit derived from Section 2330 as of September 1, 1971.

(b) In any case where a totally disabled person, or a widow, widower or dependent is presently receiving less than the maximum weekly income benefit rate applicable at the time such award was made, the supplemental allowance shall be an amount equal to the difference between the amount the claimant is presently receiving and a percentage of the maximum weekly

benefit rate effective on September 1, 1970, or the benefit derived from Section 2330 as of September 1, 1971, determined by multiplying it by a fraction, the numerator of which is his present award and the denominator which is the maximum weekly rate applicable at the time such award was made.

Section 2. Amend Section 2395 (a) and (b), Chapter 23, Title 19, Delaware Code, by deleting subparagraphs (a) and (b) in their entirety, and substituting in lieu thereof new subparagraphs (a) and (b) to read as follows:

(a) Every insurance carrier insuring employers who are or may be liable under this chapter to pay for compensation for personal injuries to or death of their employees under the provisions of this chapter, shall pay to the Board annually, on or before March 1 and October 1 of each year a sum not to exceed one-half of one per cent at each date on all workmen's compensation or employer liability premiums received by the carrier during the calendar year next preceding the due date of such payment.

(b) Every employer carrying his own risk and thereby insuring himself under the provisions of this chapter, on or before January 30 and October 1 of each year, shall pay to the Board a sum equal to one-half of one per cent at each date of the premium which the employer would have had to pay for the preceding year for workmen's compensation or employer liability insurance, the premium being in accordance with classifications and premium rates approved by the Board for the purpose of fixing compensation and insurance rates.

Section 3. Amend Section 2395, Chapter 23, Title 19, Delaware Code, by adding thereto a new subparagraph (d) to read as follows:

(d) The amounts paid under this section shall constitute an element of loss for the purpose of establishing workmen's compensation premium rates.

Section 4. Amend Section 2397, Chapter 23, Title 19, Delaware Code, by striking the figure "\$30,000" wherever the same appears and by inserting in lieu thereof the figure "\$75,000"; and by striking the figure "\$20,000" as it appears and

by inserting in lieu thereof the figure "\$25,000".

Section 5. Amend Section 2396, Chapter 23, Title 19, Delaware Code, by striking said Section 2396 in its entirety, and inserting in lieu thereof a new Section 2396 to read as follows:

**§2396. Reimbursement of carriers and self-insurers from second injury fund**

With respect to payments made by any insurance carrier or self-insurer under Section 2334, such insurance carrier or self-insurer annually on or before December 1 and June 1 of each year, shall file with the Industrial Accident Board for submission to the Treasurer of the State of Delaware a report on a form prescribed by the Industrial Accident Board setting forth the money expended for such additional payments made during the previous calendar year or portion thereof under Section 2334. The Industrial Accident Board shall audit these reports before submission to the Treasurer of the State of Delaware to determine their validity. Reimbursement to such insurance carrier or self-insurer shall be made annually on the first of January and the fifteenth of July of each year. With respect to payments made by any carrier or self-insurer under Section 2334, such carrier or self-insurer annually on or before June 1 of each year, shall file with the Treasurer of the State of Delaware a report, on a form prescribed by the Industrial Accident Board, setting forth the money expended for such additional payments made during the previous calendar year under Section 2334. Reimbursement to such insurance carrier or self-insurer shall be made annually on the fifteenth day of July of each year.

Approved May 27, 1971.

CHAPTER 97

FORMERLY HOUSE BILL NO. 251

**AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE,  
RELATING TO THE PUBLIC SCHOOL SYSTEM AND THE  
ESTABLISHMENT OF FULL-TIME PROGRAMS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Section 206, Chapter 2, Title 14 of the  
Delaware Code, by striking said Section 206 in its entirety.

Approved May 27, 1971.

## CHAPTER 98

FORMERLY HOUSE BILL NO. 270  
AS AMENDED BY HOUSE AMENDMENT NO. 2**AN ACT TO AMEND TITLES 18 AND 21, DELAWARE CODE, RELATING TO THE REQUIREMENT OF INSURANCE ON MOTOR VEHICLES; REQUIRING INSURANCE COMPANIES TO OFFER CERTAIN POLICY COVERAGE; REQUIRING ARBITRATION OF CERTAIN CLAIMS AND PROVIDING A PENALTY FOR VIOLATION THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Subchapter 1, Chapter 21, Title 21, Delaware Code, by adding thereto a new section to read as follows:

**§2118 Requirement of insurance for all motor vehicles registered in the State of Delaware; penalty**

(a) No owner of a motor vehicle registered in the State of Delaware, other than a self-insurer pursuant to Section 2906, Title 21, Delaware Code, shall operate or authorize any other person to operate such vehicle unless the owner has insurance on such motor vehicle providing the following minimum insurance coverage:

(1) Indemnity from legal liability for bodily injury, death or property damage arising out of ownership, maintenance or use of the vehicle to the limit, exclusive of interest and costs, of at least \$25,000 for any one accident or to the limit of the Financial Responsibility Law of the State of Delaware, whichever is greater.

(2) Compensation to injured persons for reasonable and necessary expenses for medical, hospital, dental, surgical, medicine, x-ray, ambulance or prosthetic services, professional nursing and funeral services, and for loss of earnings and reasonable and necessary extra expense for personal services which would have been performed by the injured person had he not been injured, arising out of an accident involving such motor vehicle and incurred or medically ascertainable within 12 months of said accident. This compensation shall have minimum limits of

\$10,000 for any one person and \$20,000 for all persons injured in any one accident. The compensation for funeral services pursuant to subsection (a) (2) shall not exceed the sum of \$2,000 per person.

A. The coverage required by subsection (2) shall be applicable to each person occupying such motor vehicle and to any other person injured in an accident involving such motor vehicle, other than an occupant of another motor vehicle.

B. The owner of a vehicle may elect to have the coverage described in subsection (2) written subject to certain deductibles, waiting periods, sublimits, percentage reductions, excess provisions and similar reductions offered by insurers in accordance with filings made by such insurers with the Department of Insurance, applicable to expenses incurred as a result of injury to the owner of the vehicle or members of his household. This election must be made in writing and signed by the owner of the vehicle; insurers issuing such policies may not require such reductions.

(3) Compensation for damage to property, in or upon the motor vehicle, and other property damaged in an accident involving the motor vehicle, other than damage to a motor vehicle, with the minimum limits of \$5,000 for any one accident.

A. The owner of the motor vehicle may elect to have coverage described in subsection (3) written to exclude in whole or in part the following:

(i) Aircraft, water craft, self-propelled mobile equipment and any property in or upon any of the aforementioned.

(ii) Any property in or upon the vehicle when the owner of said property is not occupying the vehicle.

B. This election must be made in writing and signed by the owner of the vehicle, and the insurer issuing such policies may not require such reductions. Any reductions shall be in accordance with filings made by the insurer with the Department of Insurance.

(4) Compensation for damage to the insured motor vehicle, including loss of use of the motor vehicle, not to exceed the actual

cash value of the vehicle at the time of the loss and \$10.00 per day, with a maximum payment of \$300 for loss of use of such motor vehicle.

A. The owner of the motor vehicle may elect to exclude, in whole or in part, the coverage described in subsection (4) by the use of certain deductibles and exclusions in accordance with filings made by the insurer with the Department of Insurance.

(b) Only insurance policies validly issued by companies authorized to write in this State all the kinds of insurance embodied in the required coverages shall satisfy the requirements of this section.

(c) Nothing in this section shall be construed to prohibit the issuance of policies providing coverage more extensive than the minimum coverages required by this section, or to require the segregation of such minimum coverages from other coverages in the same policy.

(d) Policies purporting to satisfy the requirements of this section shall contain a provisions which states that, notwithstanding any of the other terms and conditions of the policy, the coverage afforded shall be at least as extensive as the minimum coverage required by this section.

(e) The coverage described in subsections (a) (1), (a) (2), (a) (3) and (a) (4) may be subject to conditions and exclusions customary to the field of liability, casualty and property insurance and not inconsistent with the requirements of this section.

(f) Insurers providing benefits described in subsections (a) (1), (a) (2), (a) (3) and (a) (4) shall be subrogated to the rights, including claims under any Workmen's Compensation law, of the person for whom benefits are provided, to the extent of the benefits provided.

(g) Any person eligible for benefits described in subsections (a) (2) or (a) (3), other than an insurer in an action brought pursuant to subsection (f), is precluded from pleading or introducing into evidence in an action for damages against a tortfeasor those damages for which compensation is available under subsections (a) (2) or (a) (3) without regard to any elective reductions

in such coverage and whether or not such benefits are actually recoverable.

(h) Nothing in this section shall be construed to require an insurer to insure any particular risk. Nothing herein shall limit the insurer's obligations pursuant to Delaware Automobile Plan.

(i) Every insurance policy shall require the insurer to submit to arbitration a claim for damage to a motor vehicle, other than the insured motor vehicle, including loss of use of such vehicle upon the request of the owner of the damaged vehicle. Such request shall be in writing and mailed to the Insurance Commissioner of the State of Delaware within 90 days from the date of the accident causing such damage.

(1) All arbitrations shall be administered by the Insurance Commissioner or his nominee.

(2) The Insurance Commissioner or his nominee shall establish a panel of arbitrators consisting of attorneys authorized to practice law in the State of Delaware and insurance adjusters licensed to act as such in the State of Delaware.

(3) The Insurance Commissioner, or his nominee, shall select three individuals from the panel of arbitrators, at least one of which shall be an attorney authorized to practice law in the State of Delaware, to hear each request for arbitration.

(4) The Insurance Commissioner or his nominee shall promulgate all rules and regulations necessary to implement this arbitration program.

(5) The right to require such arbitration shall be purely optional and neither party shall be held to have waived any of their rights by any act relating to arbitration.

(6) The Insurance Commissioner shall establish a schedule of costs of arbitration; provided, however, the arbitrator's fee shall not exceed \$25.00 per arbitrator for any one arbitration.

(7) The cost of arbitration shall be payable to the State of Delaware, Department of Insurance, and shall be maintained in a special fund identified as the "Arbitration Fund" which shall be

administered by the Insurance Commissioner. These funds under no circumstances shall revert to the General Fund. All costs of arbitration including administrative expenses of the Insurance Department and the arbitrators' fees shall be payable from this fund.

(8) The cost of arbitration shall be borne equally by the parties to the arbitration.

(j) Whoever violates any provisions of this section shall be guilty of a misdemeanor and fined not less than \$300 or more than \$1,000 and may be imprisoned not more than 6 months.

(k) The Superior Court of the State of Delaware shall have exclusive original jurisdiction of any violation of this section notwithstanding any provision of the Delaware Code to the contrary.

Section 2. Amend Section 3902, Chapter 39, Title 18, Delaware Code, by striking subsection (b) in its entirety and adding thereto a new subsection to read as follows:

(b) The amount of coverage to be so provided shall not be less than the maximum limits for bodily injury, death and property damage liability insurance provided for under the motorist financial responsibility laws of this State. The coverage for property damage shall be subject to a \$250.00 deductible for property damage arising out of any one accident unless the insurer and the insured agree in writing to a different deductible. Each insured shall be offered the option to purchase additional coverage for personal injury or death up to a limit of \$300,000 but not to exceed the limits for personal injury set forth in the basic policy.

(1) As used herein, the term "property damage" shall include the loss of use of a vehicle.

Section 3. Amend Section 3902, Chapter 39, Title 18, Delaware Code, by inserting in subsection (a) after the words and punctuation mark "including death," and before the words "resulting from" the words "or personal property damage".

Section 4. If any section, subsection, sentence, phrase or word of this Act shall be declared unconstitutional under the

Constitution of the State of Delaware or of the United States or by a State or Federal Court of competent jurisdiction, the remainder of this Act shall be unimpaired and shall continue in full force and effect and prosecutions thereunder shall not be affected.

Section 5. This Act shall be effective on January 1, 1972.

Approved May 27, 1971.

CHAPTER 99

FORMERLY HOUSE BILL NO. 174  
AS AMENDED BY HOUSE AMENDMENTS NO. 1 AND 2

**AN ACT TO AMEND CHAPTER 25, TITLE 29, DELAWARE  
CODE CONCERNING THE DEPARTMENT OF JUSTICE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 2505, Title 29, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following new Section 2505:

**§2505. Chief Deputy, State Solicitor, State Prosecutor, Deputies,  
Special Deputies and Law Clerks**

(a) The Attorney General may appoint, from the practicing members of the bar of this State, a lawyer resident in this State who shall be his Chief Deputy Attorney General, and who shall have such powers, duties and responsibilities as designated by the Attorney General, and shall serve on a full-time basis.

(b) The Attorney General may appoint, from the practicing members of the bar of this State, a lawyer resident in this State who shall be designated as the State Solicitor, and shall serve on a full-time basis under the direct control of the Attorney General. The State Solicitor shall be responsible for all civil actions and matters wherein the State or its agencies or subdivisions are involved, and shall have such powers and duties as the Attorney General shall designate.

(c) The Attorney General may appoint, from the practicing members of the bar of this State, a lawyer resident in this State who shall be designated as the State Prosecutor, and shall serve on a full-time basis under the direct control of the Attorney General. The State Prosecutor shall be responsible for the prosecution of all criminal matters, and shall have such powers and duties as the Attorney General shall designate.

(d) The Attorney General may appoint, from the practicing members of the bar of this State, within the limits of the

appropriations made to the State Department of Justice, lawyers resident in this State to be his Deputy Attorneys General or Special Deputy Attorneys General, who shall have such powers, duties and responsibilities as designated by the Attorney General.

(e) The Attorney General may appoint, within the limits of the appropriations made to the State Department of Justice, law clerks, who shall have such powers, duties and responsibilities as the Attorney General shall designate.

(f) The Attorney General may assign a Deputy Attorney General or Special Deputy Attorney General to serve in any legal capacity in or for any offices, department, board, agency, commission or instrumentality of the State Government on a part-time or full-time basis whenever, in the judgment of the Attorney General, such assignment will contribute to the efficiency of the operation of such office, department, board, agency, commission, or instrumentality; but such Deputy shall remain under the supervision and control of the Attorney General while so serving and his compensation shall be payable solely from the appropriations made to the Department of Justice.

(g) The powers of all Deputies shall be statewide.

(h) The Attorney General shall devote full-time to the office and shall not practice law for the term to which he is elected. He shall determine whether any of his Deputies other than those designated as full-time in this section, shall be excluded from the practice of law. The salaries of the Chief Deputy and Deputies shall be as fixed by the Attorney General within the appropriations made to the State Department of Justice and the limitations of Section 2506 of this title.

Section 2. Amend Section 2506, Title 29, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following new Section 2506:

**§2506. Salaries of Attorney General; Chief Deputy; State Solicitor, State Prosecutor, Deputies, Special Deputies, Assistants and Law Clerks**

(a) The salary of the Attorney General shall be \$30,000 per annum. The Attorney General shall fix the salaries of all of the

members of the Department of Justice within the limits set forth in this section.

(b) The salary of the Chief Deputy Attorney General shall be not more than \$25,000 per annum.

(c) The salary of the State Solicitor shall be not more than \$24,000 per annum.

(d) The salary of the State Prosecutor shall be not more than \$24,000 per annum.

(e) The salaries of the full-time Deputy Attorneys General shall not be more than \$22,500 per annum. All other Deputy Attorneys General shall receive the salary as established by the Attorney General but not to exceed \$15,000 per annum.

(f) The salary or fee of Special Deputies shall be fixed by the Attorney General within the appropriations made to the State Department of Justice.

(g) The salary of Law Clerks shall be fixed by the Attorney General within the appropriations made to the State Department of Justice.

Section 3. Section 2507, Title 29, Delaware Code, is amended by inserting a new sentence between the words, "prescribe" and "Expenses", as the same appear on line 9 of said section:

"The special counsel so appointed shall have such powers, duties and responsibilities as designated by the Attorney General in addition to those powers prescribed in Section 2504 (c) of this chapter."

Section 4. This Act shall take effect July 1, 1971.

Approved May 28, 1971.

## CHAPTER 100

FORMERLY SENATE SUBSTITUTE NO. 1  
 FOR SENATE BILL NO. 169  
 AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION  
 TO THE DEPARTMENT OF PUBLIC SAFETY.**

WHEREAS, Title 29, Delaware Code, was amended by the addition of Chapter 82, establishing a Department of Public Safety; and

WHEREAS, Chapter 82, Section 8203 (D) provides for the establishment of areas of functional responsibility herein referred to as the Office of the Secretary and the Division of Administration and Intergovernmental Services; and

WHEREAS, appropriated funds for Fiscal 1971 are insufficient to perform these functions.

NOW, THEREFORE:

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$4,200 is appropriated to the Department of Public Safety to provide funding for three (3) salaried positions. The sum is to be allocated as follows:

Office of the Secretary:

Administrative Assistant	\$1,250	
		\$1,250

Division of Administration and  
 Intergovernmental Services:

Salaries & Wages of Employees (2)	2,950	
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		2,950
TOTAL		<u>\$4,200</u>

Section 2. Funds appropriated herein shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. This is a Supplementary Appropriation Act, and funds appropriated herein which remain unexpended on June 30, 1971 shall revert to the General Fund.

Approved May 27, 1971.

## CHAPTER 101

## FORMERLY SENATE BILL NO. 252

**AN ACT TO AMEND AN ACT ENTITLED: "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE" RELATING TO ASSESSMENTS AND COLLECTION OF TAXES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each House thereof concurring therein):*

Section 1. Amend the Charter of the Town of Fenwick Island (Chapter 302, Volume 49, Laws of Delaware) by striking the second paragraph of Section 24, and substituting a new paragraph in lieu thereof, which new paragraph shall read as follows:

"The Town Council shall annually levy a tax thereon not exceeding one dollar (\$1.00) on each one hundred dollars (\$100) worth of assessed property."

Approved May 27, 1971.

## CHAPTER 102

## FORMERLY SENATE BILL NO. 294

**AN ACT TO AMEND § 302 AND § 303, CHAPTER 3, TITLE 29, DELAWARE CODE, BY TRANSFERRING THE RESPONSIBILITY FOR THE STATE'S BOUNDARIES FROM THE DIRECTOR OF OPERATIONS OF THE HIGHWAY DEPARTMENT TO THE SECRETARY OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL IN CONJUNCTION WITH THE DIRECTOR OF THE DIVISION OF ARCHIVES AND CULTURAL AFFAIRS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend § 302, Chapter 3, Title 29, Delaware Code, by substituting the title "Secretary of the Department of Natural Resources and Environmental Control" where the title "Director of Operations of the State Highway Department" appears.

Section 2. Amend § 302, Chapter 3, Title 29, Delaware Code, by changing the words "State Archivist" where they appear to "Director of the Division of Archives and Cultural Affairs".

Section 3. Amend § 303, Chapter 3, Title 29, Delaware Code, by deleting the titles "Director of Operations of the State Highway Department" and "State Archivist" where they appear and substituting for "State Archivist" the title "Director of the Division of Archives and Cultural Affairs".

Section 4. Amend paragraph (c), § 302, Chapter 3, Title 29, Delaware Code, by adding the following sentence:

"In the event that a question arises as to the common boundary between the State of Delaware and any adjacent state or commonwealth, a three-member commission shall be appointed by the Governor to act in conjunction with the Secretary of the Department of Natural Resources and Environmental Control and the Director of the Division of Archives and Cultural Affairs in negotiating a final settlement of the matter with the appropriate officials of the adjacent state or commonwealth."

Approved May 27, 1971.

## CHAPTER 103

## FORMERLY HOUSE BILL NO. 264

**AN ACT TO AMEND CHAPTER 9, TITLE 28, DELAWARE CODE, RELATING TO HARNESS HORSE RACING ON SUNDAY IN KENT COUNTY AND SUSSEX COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 906 (a), Title 28, Delaware Code, is amended by striking the "." at the end of the sentence and inserting in lieu thereof the following: "or harness horse racing in Kent County and Sussex County."

Approved June 2, 1971.

CHAPTER 104

FORMERLY SENATE BILL NO. 189

**AN ACT TO AMEND CHAPTER 5, TITLE 7 OF THE DELAWARE CODE, TO RAISE THE LICENSING AGENTS BONDS TO \$5,000.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend paragraph (b), Section 513, Chapter 5, Title 7 of the Delaware Code, by striking the present paragraph (b) in its entirety, and substituting in lieu thereof a new paragraph (b) which shall read as follows:

(b) Bonds given by Justices of the Peace for the faithful performance of their duties shall include obligations in connection with the sale of licenses for the Department. Proprietors of sporting goods stores and all other persons authorized by the Department to sell licenses shall be required to give bond in the penal sum of \$5,000, conditioned for the faithful performance of their duties and for the prompt and correct remittance to the Department of the monies received from the sale of licenses.

Approved June 2, 1971.

## CHAPTER 105

## FORMERLY SENATE BILL NO. 255

**AN ACT TO AMEND PART VI, TITLE 16 OF THE DELAWARE CODE, EXEMPTING CERTAIN FIREMEN, POLICEMEN, AND VOLUNTEER AMBULANCE AND RESCUE SQUAD PERSONNEL FROM CIVIL LIABILITY WHEN RENDERING EMERGENCY CARE, FIRST AID AND RESCUE IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES EXCEPT IN CERTAIN INSTANCES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Part VI, Title 16 of the Delaware Code, by adding thereto a new chapter, to be known and designated as Chapter 68, which new chapter shall read as follows:

**CHAPTER 68. EXEMPTION FROM CIVIL LIABILITY**

**§ 6801. Emergency; first aid; rescue**

Any fireman, policeman or member of a volunteer ambulance or rescue squad who renders emergency care, first aid or rescue while in the performance of his official duties at the scene of an emergency, shall not be liable for any civil damages as a result of any acts or omissions in rendering the emergency care, first aid or rescue except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving the emergency care, first aid or rescue. In order for any fireman, policeman, or member of a volunteer ambulance or rescue squad to receive the benefit of the exemption from civil liability provided for in this Act, he must first have taken and successfully completed the Emergency Care Course recognized and approved by the Delaware State Fire School, and further he shall have a valid certification from such School that he has successfully completed any necessary training or refresher courses.

Approved June 2, 1971.

## CHAPTER 106

FORMERLY SENATE BILL NO. 265  
AS AMENDED BY SENATE AMENDMENT NO. 1**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO  
THE DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL FOR THE PURPOSE OF  
MOVING OYSTERS TO PUBLIC GROUNDS.**

WHEREAS, the oyster industry of Delaware is rapidly recovering from years of decadence, yet much remains to be done to improve the industry to the point where it can become a viable industry in the Delaware economy; and

WHEREAS, there are oyster beds of this State where there are such heavy concentrations of oysters in one spot that they have jeopardized their growth; and

WHEREAS, in order to eliminate heavy concentrated oyster beds requires a specially equipped boat which the State via the Division of Fish and Wildlife would have to rent; and

WHEREAS, the salary, rental and operational phases of this project are estimated to cost the State \$10,000; and

WHEREAS, said cost requires the authorization of one additional person at a cost of \$7,500; and

WHEREAS, the actual removal of oysters by contract is estimated to cost \$15,000; and

WHEREAS, State funds are needed in the amount of \$9,000 to match a Federal grant also in the amount of \$9,000 for the purpose of conducting a survey of the natural seed beds and the public grounds.

**NOW, THEREFORE,**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$34,000 is hereby appropriated to the Department of Natural Resources and Environmental Control

for the purpose of moving heavy concentrated beds of oysters to public grounds for the fiscal year ending June 30, 1971.

**Section 2.** This Act is a supplementary appropriation and the money shall be paid by the State Treasury out of funds in the General Fund of the State of Delaware not otherwise appropriated.

**Section 3.** Any money appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1972.

Approved June 2, 1971.

CHAPTER 107

FORMERLY SENATE BILL NO. 268  
AS AMENDED BY SENATE AMENDMENT NO. 1 AND  
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTERS 19 AND 21 OF TITLE 7,  
DELAWARE CODE RELATING TO THE TONGING OF  
OYSTERS IN THE DELAWARE BAY AND PROVIDING  
FOR PENALTY THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 19, Section 1908, Title 7, Delaware Code, by adding thereto the following new rules and regulations:

(19) The Department shall designate areas in the Delaware Bay for the purpose of tonging oysters.

(20) All oysters and clams taken and intended to be sold for market shall be brought into the ports, harbors and shores located within the State of Delaware.

(21) Any boats used for the planting, gathering, or taking of oysters or clams from the Delaware Bay for commercial purposes shall be owned and operated by a resident of the State of Delaware and licensed by the State of Delaware.

(22) All persons licensed to take oysters and clams in the waters of this State shall make a report no later than June 30 of each year to the Department stating the number of bushels of market oysters harvested during the preceding harvest season. Upon failure to do so, the oyster or clam catching license shall be revoked.

Section 2. Amend Chapter 21, of Title 7, Delaware Code, by adding thereto a new Section to be designated as Section 2111 to read as follows:

**§2111. Delaware Bay oyster tonging areas; fees, legal size; violations; requirements; penalty**

The Department shall designate certain areas of the leased oyster bottom which are now vacant and other areas in the bay for use as public tonging areas. The Department shall assume the responsibility of staking, marking and planting of seed oysters on the aforesaid public tonging areas.

**(a) Definitions.**

Wherever used in this Section the following terms shall be interpreted as and for the meaning herein defined:

(1) Tongs – any pincers, nippers, tongs or similar device operated entirely by hand and consisting of two shafts or handles and a metal body composed of two opposable and complementary baskets used in taking or catching oysters.

(2) Patent tongs – any pincers, nippers, tongs or similar device used to take or catch oysters and raised with rope, cable or other hoisting gear.

(3) Tong boat – any boat on which or from which tongs or patent tongs are used in taking or catching oysters.

(4) Public tonging area – areas designated by the Division of Fish and Wildlife of the Department of Natural Resources and Environmental Control where the taking of market oysters is limited to patent tongs or tongs.

(5) Natural oyster rock – any submerged oyster bar, reef, rock or area represented as an oyster bar north of the east line on the charts of the Moore Oyster Survey of 1911, or the Hess Oyster Survey of 1967, or any such area which is declared as such by the Department.

(6) Packer – any person as defined herein having a fixed place of business and buying, selling, packing, shucking or preparing oysters or clams for sale, trade, barter or shipment to any dealer, merchant or retailer.

(7) Shellfish – any species of invertebrates including crabs, clams, oysters, mussels, or any mollusk or crustacean.

(8) Resident – means any person not an alien who has resided a year or more within this State.

**(b) Tonging license fee for the taking of oysters from public tonging areas in the Delaware Bay.**

(1) Any person who is engaged in the catching or taking of oysters by tongs or patent tongs for commercial use from the public tonging areas in the Delaware Bay shall be required to secure from the Department an annual tongers license on or before the first day of April in each year, the cost of which shall be fifty dollars (\$50.00).

(2) A fee of fifty cents (\$.50) per bushel shall be paid to the Department for all market oysters caught by means of tongs or patent tongs within the public tonging areas of the Delaware Bay, to be submitted by the producer or catcher to the Department on or before the first day of each month for the amount due for the preceding month. Upon failure by the person to do so, his tongers license shall be revoked.

(3) No person shall use catching devices other than patent tongs or hand tongs for the catching of oysters from the above designated areas.

(4) The captain or operator and crews of tonging vessels operating within the public tonging area shall be bona fide residents of the State for twelve (12) months preceding.

(5) No more than two (2) hydraulic patent tongs may be used per boat in the catching of market oysters from the public tonging areas in the Delaware Bay.

(6) No oysters which measure less than three (3) inches from hinge to mouth shall at any time be taken from the public tonging areas in the Delaware Bay or be in the possession of any person after being so taken; except that this prohibition shall not apply to spat adhering so closely as to be impossible to remove without destruction; but in no case shall spat, shells and other material amount to more than five per centum (5%) of any catch or cargo.

(7) The amount of market oysters taken from public tonging areas in the Delaware Bay shall not be less than fifteen (15) bushels of oysters per licensed tonger per day unless otherwise directed by the Department.

Approved June 2, 1971.

## CHAPTER 108

## FORMERLY SENATE BILL NO. 282

**AN ACT TO AMEND CHAPTER 9, TITLE 4 OF THE DELAWARE CODE RELATING TO THE CONFISCATION OF VEHICLES USED IN THE TRANSPORTATION OF UN-TAXED ALCOHOLIC LIQUORS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 4, §906 of the Delaware Code, by striking subsection (c) thereof and substituting in lieu thereof a new subsection (c) to read as follows:

(c) In addition to the penalties provided by this section, any vehicle used to transport alcoholic liquor upon which the taxes provided by §581 have not been paid and which is intended for resale shall be deemed confiscated and shall be delivered to, retained by and disposed of by the Commission as provided in Chapter 11 of this Title. The Commission shall have the burden of proof that the transported untaxed liquor was intended for resale. This section shall not apply to vehicles operated by common carriers over scheduled routes, or to vehicles in which the sale of alcoholic liquor is licensed.

Approved June 2, 1971.

## CHAPTER 109

## FORMERLY SENATE BILL NO. 288

**AN ACT TO PERMIT WOODBRIDGE SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT SERVICE ACCOUNT TO ITS 1969 AND 1970 MINOR CAPITAL IMPROVEMENT ACCOUNTS.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all members elected to each House thereof concurring therein):*

Section 1. Woodbridge School District is authorized to transfer the sum of \$20,400 from its Local Debt Service Account to its 1969 and 1970 Minor Capital Improvement Accounts; the funds transferred to be used to implement its 1969 and 1970 Minor Capital Improvement Programs.

Approved June 2, 1971.

## CHAPTER 110

## FORMERLY SENATE BILL NO. 263

**AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLES III AND XV OF THE CONSTITUTION OF THE STATE OF DELAWARE TO ABOLISH THE OFFICE OF CORONER.**

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 125th General Assembly as follows:

**AN ACT PROPOSING AN AMENDMENT TO ARTICLES III AND XV OF THE CONSTITUTION OF THE STATE OF DELAWARE TO ABOLISH THE OFFICE OF CORONER.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each House thereof concurring therein):*

Section 1. Section 11, Article III of the Constitution of the State of Delaware is amended by striking out the words "Sheriff or Coroner" and by inserting in lieu thereof the words "Or Sheriff".

Section 2. Section 22, Article III of the Constitution of the State of Delaware is amended by striking out the words "Terms of office of Sheriffs and Coroners shall be two years" and by inserting in lieu thereof the words "term of office of Sheriffs shall be two years."

Section 3. Section 1, Article XV of the Constitution of the State of Delaware is amended by striking out the words "and Coroners".

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the members elected to each branch in the said 125th General Assembly.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each branch thereof concurring therein):*

Section 1. The said proposed amendment is agreed to and adopted and shall forthwith become a part of the Constitution.

Effective June 2, 1971.

## CHAPTER 111

FORMERLY SENATE BILL NO. 249  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND AN ACT BEING CHAPTER 166, VOLUME 37, LAWS OF DELAWARE ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" AS AMENDED, BY REPEALING CHAPTER 165, VOLUME 41, LAWS OF DELAWARE AND ADDING A NEW SUBSECTION TO SECTION 4, CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, AUTHORIZING THE BORROWING AGAINST ANTICIPATED REVENUE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each branch concurring therein):*

Section 1. Chapter 165, Volume 41, Laws of Delaware, be and the same is hereby repealed.

Section 2. Section 4, Chapter 166, Volume 37, Laws of Delaware, as amended, be and the same is hereby further amended by adding at the end thereof a new subsection designated as Subsection 24 to read as follows:

Section 24. To anticipate revenue by borrowing upon the faith and credit to The Mayor and Council of The Town of Selbyville, the sum or sums of, not exceeding Fifty Thousand Dollars (\$50,000.00) in any one fiscal year, when, in the opinion of the majority of the said Town Council, the needs of The Town of Selbyville demand it. The Town Council may secure said sum or sums of money so borrowed by promissory notes of the Mayor and Council of The Town of Selbyville, duly executed by The Mayor and Council of Selbyville and attested by the Secretary, either with or without the corporate seal of The Mayor and Council of The Town of Selbyville affixed as is requested by the bank or person advancing the money on said notes, and neither the Mayor nor any Councilman shall be personally liable for the payment of such notes because it is signed by them as Officers of The Town of Selbyville, and is authorized by the resolution of the Town Council; provided, however, any sum of money borrowed on the faith and credit of The Mayor and Council of The Town of

Selbyville, as aforesaid, in any fiscal year, shall be paid out of the general funds of the Town, at the minimum rate of Ten (10) per centum per fiscal year and shall be completely paid at the end of Ten (10) fiscal years following the first fiscal year which said money was borrowed with interest thereon and the principal and interest shall be exempt from taxation by the State of Delaware and any political subdivision thereof.

Approved June 5, 1971

CHAPTER 112

FORMERLY HOUSE BILL NO. 38  
AS AMENDED BY SENATE AMENDMENT NO. 1  
AND HOUSE AMENDMENT NO. 1

**AN ACT TO REQUIRE A CERTIFICATE OF ORIGIN TO  
ACCOMPANY APPLICATIONS FOR TITLES TO NEW  
MOTOR VEHICLES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 2302 (a), Chapter 23, Title 21, Delaware Code, is amended by striking the "." at the end of the last sentence thereof, and inserting in lieu thereof the words "and a Certificate of Origin therefor."

Section 2. Section 101, Title 21, Delaware Code, is amended by adding the definition "Certificate of Origin" as follows:

"Certificate of Origin" means the document, in the form prescribed by the Director of the Division of Motor Vehicles, issued in conformance with this chapter certifying the manufacturer's vehicle identification number and the motor number, when used, of the motor vehicle sold, the name of the manufacturer, the manufacturer's shipping weight, a general description of the body, if any, and the type and model.

Section 3. This Act shall become effective on new motor vehicles invoiced to dealers after January 1, 1972.

Approved June 5, 1971.

## CHAPTER 113

## FORMERLY HOUSE BILL NO. 188

**AN ACT TO AMEND CHAPTER 31, TITLE 3, DELAWARE CODE RELATING TO MILK, CREAM AND OTHER MILK PRODUCTS CONCERNING METHOD OF SAMPLING AND TESTING.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 3, Delaware Code, Chapter 31, Section 3115 by adding thereto a new paragraph to read as follows:

The Secretary of the Department of Agriculture may, by written permission, grant any person or milk plant or agent thereof engaged in the business of buying milk on the basis of percentage of butterfat contained therein the right to use a fresh sample method as approved by the Secretary.

Section 2. Amend Title 3, Delaware Code, Chapter 31, Section 3117 by adding thereto a new paragraph to read as follows:

Only procedures approved by the Association of Official Analytical Chemists or American Public Health Association and adopted or prescribed by the Delaware State Department of Agriculture may be used. The Babcock Test or the Automated Light Scattering Method for determining fat content of raw unhomogenized milk are hereby adopted as procedures for the determination of the fat content of milk as a basis of payment to producers.

Approved June 5, 1971.

## CHAPTER 114

FORMERLY SENATE BILL NO. 100  
AS AMENDED BY SENATE AMENDMENTS NO. 1, 2, 3, 10  
AND HOUSE AMENDMENT NO. 3

**AN ACT TO ESTABLISH A FAMILY COURT FOR THE STATE OF DELAWARE BY MERGING INTO ONE COURT THE FAMILY COURT OF THE STATE OF DELAWARE IN AND FOR NEW CASTLE COUNTY AND THE FAMILY COURT OF KENT AND SUSSEX COUNTIES AND TO PROVIDE FOR ITS ORGANIZATION, DUTIES, POWERS, JURISDICTION AND PROCEDURES.**

WHEREAS, the Family Court of the State of Delaware in and for New Castle County and the Family Court of Kent and Sussex Counties are distinct and separate entities; and

WHEREAS, it would be to the best interest and welfare of the State of Delaware if the jurisdiction, policies, practices and procedures of these Courts were made uniform and consistent; and

WHEREAS, the establishment of a Family Court for the State of Delaware with State-wide jurisdiction will accomplish the ends desired;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each branch concurring therein):*

Section 1. Chapter 9 and Chapter 11, Title 10, Delaware Code, are hereby repealed and in lieu thereof, a new Chapter 9, Title 10, Delaware Code is hereby enacted to read as follows:

**CHAPTER 9. THE FAMILY COURT OF THE STATE OF DELAWARE SUBCHAPTER I, ORGANIZATION, ADMINISTRATION AND OPERATION**

**§901. Definitions**

For the purpose of this Chapter, unless the context indicates differently:

“Adequate Care” means a type and degree of personalized attention that will tend to advance a child’s physical, mental, moral, emotional, and general well-being.

“Adult” means a person who has reached his 18th birthday.

“Child” means a person who has not reached his 18th birthday.

“Commissioner” refers to the City of Wilmington Municipal Court Commissioner.

“Court” means The Family Court of the State of Delaware, and “court” refers to other courts of the State of Delaware.

“Custodian” means any person who is charged by law with or who has assumed responsibility for a child’s care.

“Delinquent Child” means a child who commits an act which if committed by an adult would constitute a crime or, who is uncontrolled by his custodian or school authorities or who habitually so deports himself as to injure or endanger the morals or health of himself or others.

“Dependent Child” means a child whose custodian is unable to provide him with adequate care.

“Family” means husband and wife; a man and woman cohabiting in a home in which there are children of either or both; custodian and child; or any group of persons related by blood or marriage who are residing in one home under one head.

“Law” means the common law and statutes of this state, the laws of any subdivision thereof, and regulations promulgated by a governmental agency having the force and effect of law.

“Neglected Child” means a child whose custodian refuses to provide him with adequate care.

“Non-Amenable Child” means any child who is not amenable to the rehabilitative processes of the Family Court.

“Relative” means any person within the immediate family, and any grandparent, uncle, aunt or first cousin.

**§902. Purpose; construction**

(a) In the firm belief that compliance with the law by the individual and preservation of the family as a unit are fundamental to the maintenance of a stable, democratic society, the General Assembly intends by enactment of this chapter that one court shall have original state-wide civil and criminal jurisdiction over family and child matters and offenses as set forth herein. The Court shall endeavor to provide for each person coming under its jurisdiction such control, care, and treatment as will best serve the interests of the public, the family, and the offender, to the end that the home will, if possible, remain unbroken and the family members will recognize and discharge their legal and moral responsibilities to the public and to one another.

(b) This chapter shall be liberally construed that these purposes may be realized.

**§903. Court of record; name; sub-titles**

This Court shall be a court of record and shall be known as “The Family Court of the State of Delaware.” It may be briefly cited as “The Family Court.” Its offices, forms, and processes in New Castle County shall be sub-titled “for New Castle County,” in Kent County “for Kent County,” and in Sussex County “for Sussex County.”

**§904. Court facilities; provided by State**

The State of Delaware shall provide for the Court at the County Seat in each County and in such other places as may be designated by the Chief Judge, adequate quarters properly furnished, consistent with the dignity of and suitable for the purposes of the Court.

**§905. Budget; payment of salaries and expenses**

The Court shall operate financially in accordance with its budget as enacted by the General Assembly and within this limit the Secretary of Finance shall pay the Court’s salaries and

expenses upon the warrant of the Administrator or an assistant administrator countersigned by the Chief Judge, if available, or, if not, by any Judge.

**§906. Judges; selection; designation; qualifications, terms; vacancies; salaries**

(a) The Judges of The Family Court of the State of Delaware in and for New Castle County and of The Family Court for Kent and Sussex Counties shall continue to serve as judges of this Court for the remainders of their present terms. The enactment of this Chapter ratifies their respective appointments and confirmations as judges of this Court with state-wide jurisdiction. All further appointments of Judges of this Court from time to time hereafter shall be made by the Governor, by and with the consent of a majority of all the members elected to the Senate. Appointments, including appointments to fill vacancies which may occur during a term, shall be for a term of twelve (12) years.

(b) The Court shall be composed of ten (10) judges of equal judicial authority. One (1) of the judges shall be the Chief Judge, and the remainder shall be Associate Judges.

No more than a majority of one (1) judge shall be members of the same political party.

(c) Appointees shall be duly admitted to the practice of law before the Supreme Court of this State for a period not less than five years prior to their appointment and shall be selected because of their knowledge of the law and interest in and understanding of family and child problems. They shall not practice law during their tenure and may be reappointed.

(d) One of the Judges shall be designated by the Governor as Chief Judge to hold office during the term of his appointment.

(e) All of the judges shall be residents of the State of Delaware for a period of five years immediately prior to their appointment. The Chief Judge may reside in any County of the State of Delaware. After appointment, six (6) of the Associate Judges shall reside in New Castle County; one (1) Associate Judge shall reside in Kent County; one (1) Associate Judge shall reside in

Sussex County; and one (1) Associate Judge shall reside in either Kent or Sussex County.

(f) The Chief Judge of the Family Court shall receive annually as compensation for his services Twenty-six Thousand Dollars (\$26,000.00) until July 1, 1971, at which time his annual compensation shall be Twenty-nine Thousand Dollars (\$29,000.00) payable by the State. Each Associate Family Court Judge shall receive annually as compensation for his services the sum of Twenty-four Thousand Dollars (\$24,000.00) until July 1, 1971, at which time his annual compensation shall be Twenty-seven Thousand Dollars (\$27,000.00) payable by the State.

#### **§ 907. Administrative powers and duties of the Court**

The Court shall hold meetings when and where called by the Chief Judge or, in his absence, by the senior Associate Judge on duty, but in no event less often than semi-annually. By vote of a majority of its members it shall:

- (a) Adopt a seal.
- (b) Establish a uniform schedule of deposits, costs, and service fees.
- (c) Provide for the safeguarding of the Court's records.
- (d) Require employee bonds as shall seem proper.
- (e) Make and publish court rules governing policies, processes, practices, and procedures, which shall be uniform throughout the State.
- (f) Publish annual reports of the Court's activities, findings, and recommendations.

#### **§ 908. Chief Judge; powers; duties**

The Chief Judge, or in his absence the senior Associate Judge on duty, shall:

- (a) Be the Chief Executive Officer of the Court and preside at meetings thereof.

(b) Prepare and present to the Budget Director and the General Assembly the estimated budget of the Court for the ensuing fiscal year.

(c) Assign Judges to the several Courts.

(d) Approve the travel and other expenses incurred by the Judges and all employees in the performance of their duties.

(e) Establish, when necessary, a Judge's vacation schedule.

(f) The Chief Judge shall create a Judicial Council for a term of three years which shall be composed of the Chief Judge and two associate judges, both of whom shall be appointed by the Chief Judge, and one of whom shall reside in Kent or Sussex County. No more than a bare majority of the judges on the Judicial Council shall be affiliated with any one major political party. The Judicial Council shall determine the organization and structure of the Court; establish the procedure for appointment and dismissal; the classification, titles, duties, and salaries of the Administrator, the Director of Treatment Services, the respective Chief Supervisors for the Court in each of the three counties, and the personal secretaries of the Administrator and all Judges. All of the aforementioned individuals shall be specifically exempt from the State Merit System. All other employees of the Court shall be included within the State Merit System in accordance with the provisions of Chapter 59, Title 29 of the Delaware Code.

(g) Establish a procedure for the assignment of cases to the Judges.

(h) Provide for payment of the Court's expenses.

#### **§909. Administrator; qualifications; duties**

There shall be an Administrator who shall possess an earned bachelor's degree and who shall have three years of supervisory experience in either governmental or private business administration or its equivalent. Under the Chief Judge's Supervision, he shall:

(a) Be Secretary to the Court in matters that pertain to the business administration of the Court.

(b) With the director of treatment services, integrate into one harmonious whole the judicial, social, legal, clerical and administrative services of the Court.

(c) Submit to the Court a proposed budget for the ensuing fiscal year showing the total number of employees needed, classifications of employees and proposed salaries, and other anticipated expenses of the Court.

(d) Prepare the vouchers for salaries and expenses of the Court, which shall be signed by him and countersigned by the Chief Judge, or in the Chief Judge's absence, by any Judge, and forward them to the Secretary of Finance for payment.

(e) Prepare and keep current an inventory of the Court's capital assets.

(f) Regularly and frequently visit the Court in each County.

(g) Perform all duties prescribed by the Chief Judge.

#### **§ 910. Director of Treatment Services; qualification; duties**

There shall be a director of treatment services who shall possess an earned post-graduate degree in either criminology, and/or corrections, sociology, psychology, social work, or social sciences; and he shall have had experience in administration and counseling in a judicial or correctional agency. Under the Chief Judge's supervision, he shall:

(a) Be Secretary to the Court in matters that pertain to the Court's probation and counseling services.

(b) Direct the Court's probation and counseling services and personnel.

(c) With the administrator, integrate into one harmonious whole the judicial, social, legal, clerical and administrative services of the Court.

(d) Direct the clerical and stenographic personnel who are assigned to work with the probation and counseling personnel.

(e) Develop and maintain a training program for probation and counseling personnel.

(f) Perform all duties prescribed by the Chief Judge.

**§911. Supervisors, Probation Officers, Counselors; qualifications; duties**

There shall be a Chief Supervisor for the Court in each County who shall possess an earned graduate degree in either criminology, and/or corrections, sociology, psychology or social work, and such other supervisors as shall have an earned graduate degree in social work, and such probation officers, and counselors as deemed necessary who shall possess earned bachelors degrees. Other probation officers and counselors may be appointed by the Chief Judge who shall possess such qualification as the Chief Judge shall prescribe. They shall be conservators of the peace, may serve and return the Court's processes, and shall perform such duties as may be assigned to them.

**§912. Clerks of Court; appointment; terms of office, bonds, duties**

(a) There shall be a Clerk of Court appointed for the Court in each County and such Deputy Clerks as the Chief Judge deems necessary.

(b) The clerks and deputy clerks of the Court shall give bond to the State in the amount of \$200,000 for the clerk and deputy clerks of New Castle County and in the amount of \$100,000 for the clerk and deputy clerks of Kent and Sussex Counties to execute faithfully their duties while in office. The State shall bear the cost of the bond premiums required hereunder.

(c) The clerk, or, in his absence, the Deputy Clerk, shall have care of the legal records of the Court which he serves and shall receive all fees, fines, costs, and cash bail arising out of any proceeding in said Court. He shall administer all necessary oaths, enter the judgments, issue commitments and executions to enforce the same, and make up and keep the records of the Court in all cases therein. He shall issue all process under his hand and the seal of the Court, and shall attest the same in the names of the Judges,

or any of them, signing the same by his title of office, and shall tax costs. He may take bail from persons arrested whether or not the Court is in session, subject to revision by a Judge, and shall do all other acts which the Court shall prescribe.

**§ 913. Masters; appointment; duties; review**

(a) The Chief Judge may appoint, commission and set salaries of suitable persons to act as Masters in the Court, all of whom shall hold office at the pleasure of the Chief Judge and shall be residents of the State of Delaware for at least five years immediately preceding their appointment. The salaries so set shall be a part of the annual budget of the Family Court and shall reflect the educational background, experience and time commitment of the person appointed to such office.

(b) When requested by the Chief Judge, a Master may hear any matter properly before him and may order the issuance of legal process to compel the attendance of necessary parties and witnesses.

The Master shall announce his conclusion to the parties or to their attorneys; or in the case of a hearing, shall relate to a child, then to a custodian, adult friend, or attorney for the child, or in case there be no custodian, adult friend or attorney for the child, then to a Probation Officer.

The Master shall transmit to the Chief Judge or such Associate Judge as the Chief Judge designates, all papers and records relating to the case, together with his findings and recommendations in writing.

(c) A review de novo by an Associate Judge designated by the Chief Judge, shall be allowed, provided any above named person petitions in writing for the same within fifteen days from the date of a Master's announcement, as aforesaid, of his findings and recommendations.

In the event that no such hearing is requested within the ten day period aforesaid, the findings and recommendations of the Master, unless they be disapproved in writing by an order of the Chief Judge, shall become the judgment of the Court, with rights of appeal reserved to all parties.

**SUBCHAPTER II. JURISDICTION AND POWERS****§921. Exclusive original civil jurisdiction**

The Court shall have exclusive original civil jurisdiction in all proceedings in this State concerning:

(a) Any child found in the State who is alleged to be dependent, neglected, or delinquent except as otherwise provided by this Chapter.

(b) Enforcement of any law, petitions and actions respecting the education, protection, control, care, possession, custody, visitation, and support of children.

(c) Judicial consent to employment, medical care, or enlistment into the armed forces of a child when such consent is required by law.

(d) Actions to terminate compulsory school attendance by a child who has not reached his 16th birthday.

(e) Actions brought by a husband, or wife, or any member of a family who has reached his 18th birthday wherein it is alleged some other member of the family is by his conduct imperiling the family relationship and petitions the Court for appropriate relief.

(f) Liability of relatives to support a poor person, 13 Del. C. §501, 31 Del. C. § 2830-2831.

(g) Execution of forms consenting to marriage, 13 Del. C. §123.

(h) Reciprocal support actions by or against non-residents, 13 Del. C., Chapter 6.

**§922. Exclusive original criminal jurisdiction**

The Court shall have exclusive original criminal jurisdiction in all proceedings in this State concerning the following, the enumeration of which shall not be construed to exclude jurisdiction otherwise conferred upon the Court:

- (a) Ill treatment, abuse, abandonment, or contributing to the delinquency of a child, or any misdemeanor committed against a child.
- (b) Offenses, except felonies, committed by one member of a family against another member of the family, and of criminal cases, except felonies, in which one member of a family is complainant against another member of the family.
- (c) Offenses, except felonies, in which the defendant is a member of a family and the complainant is a peace officer and the criminal act complained of was committed during a family altercation.
- (d) Desertion, neglect, or refusal to support a wife or child, 13 Del. C. § § 502-511.
- (e) Illegitimacy proceedings, 13 Del. C. § § 1321-1335.
- (f) Children of immoral parents, 13 Del. C. § 706.
- (g) Aiding a child who escapes from the Department of Health and Social Services, 31 Del. C. § 5311.
- (h) Cruel treatment and wrongful disposition or employment of children, 11 Del. C. § § 431-432, 12 Del. C. § 3905.
- (i) Abducting a child, 11 Del. C. § 624.
- (j) Violations of child labor laws, 19 Del. C. § § 501, 511-517.
- (k) Placing a resident or bringing a non-resident dependent child into Delaware without consent of the Department of Health and Social Services, 31 Del. C. § § 307, 351, except as provided in the Inter-State Compact for Juveniles.
- (l) Sale or delivery of an alcoholic beverage to a child, 4 Del. C. § 904.
- (m) Permitting a child to remain where alcoholic beverages are sold, 11 Del. C. § 433.

- (n) Furnishing cigarettes to a child, 11 Del. C. § 434.
- (o) Permitting a child to be present at games of chance, 11 Del. C. § 670.
- (p) Sale of weapons to a child, 24 Del. C. § 903.
- (q) Toying with a child, 11 Del. C. § 822.
- (r) Harboring or using a child for sex purposes, 11 Del. C. § 821.
- (s) Adultery, 11 Del. C. §§ 311-312.
- (t) Wife beating, 11 Del. C. § 911.
- (u) Incest involving a child or where the offenders are members of a family, 11 Del. C. § 591.
- (v) Reciprocal support proceedings against or on behalf of non-residents, 13 Del. C., Chapter 6, where appropriate.

#### **§923. Jurisdiction over matters begun prior to this Chapter**

The Court shall have jurisdiction to hear and decide all matters before The Family Court of the State of Delaware in and for New Castle County and The Family Court for Kent and Sussex Counties which had not been disposed of prior to the effective date of this Act.

#### **§924. Concurrent original civil jurisdiction**

The Court shall have concurrent jurisdiction to hear writs of habeas corpus or other proceedings brought for the purpose of gaining or retaining the custody of a child or for the purpose of determining whether a child is being unlawfully detained by any person, agency, or institution.

#### **§925. General Jurisdiction**

The Court and each Judge shall have authority to:

- (a) Conserve the peace.

(b) Commit or bind, with or without surety, as a committing magistrate, for appearance at the proper court, persons charged with having violated the law together with material witnesses.

(c) Determine and punish civil and criminal contempt.

(d) Issue process for the exercise of its jurisdiction and require service thereof under pain of contempt.

(e) Receive, hear, and make recommendations concerning matters assigned to it by any state or municipal court. Such recommendations shall be certified to the assigning court.

(f) Transfer for good cause any proceeding from the Court in one county to the Court in any other county.

(g) Enter, proceed on, and satisfy in the name of the State any forfeited bond.

(h) Sit separately or jointly with any or all other Judges.

(i) Hear, determine, render, and enforce judgment in any proceeding before the Court.

(j) Assess fees, costs, and fines; or remit them in proper cases.

(k) After due notice to interested parties, review, revise, or revoke any prior order of the Court with reference to the custody, control, care, support or visitation of any person, or in any proceeding where failure to do so would result in manifest injustice.

(l) Punish for contempt any person who, in order to evade the Court's jurisdiction, removed from the State any child concerning whose possession, custody, or alleged unlawful detention, a writ of habeas corpus or other proceeding has been filed.

(m) Administer oaths and take acknowledgments.

(n) Appoint guardians ad litem.

(o) In any civil action where jurisdiction is otherwise conferred upon the Family Court, it may enter such orders against any party to the action as the principles of equity appear to require.

### **SUB-CHAPTER III. PROCEDURE**

#### **PART A. PROCEEDINGS IN THE INTEREST OF A CHILD**

##### **§931. Delinquent child not criminal; prosecution limited**

Except as provided in §938, no child shall be deemed a criminal by virtue of an allegation or adjudication of delinquency, nor shall a child be charged with or prosecuted for a crime in any other court. In this Court the nature of the hearing and all other proceedings shall be in the interest of rather than against the child. Except as otherwise provided, there shall be no proceedings other than appellate proceedings in any court other than this Court in the interest of a child alleged to be dependent, neglected, or delinquent.

##### **§932. Commencement**

Any person having knowledge of a child within the State who appears to be neglected, dependent, or delinquent, may file with the Clerk of the Court a petition in writing setting forth the facts verified by affidavit.

##### **§933. Duties of officer having child in custody; prohibited acts**

(a) Any peace officer having taken a child into custody shall immediately notify the custodian of the child that the child has been taken into custody.

(b) After making every reasonable effort to give notice under subparagraph (a), the peace officer:

1. May release the child to his custodian with a brief report of the reason for his apprehension; or

2. Shall take the child directly before the Court if the Court is in session unless a judge of the Court shall direct otherwise; or

3. Shall take the child before a court or Commissioner for disposition in accordance with §934, if this Court is not in session.

(c) After taking a child into custody, the officer shall, forthwith file with the Court in the county where the child is taken into custody a petition in accordance with §932 on forms furnished by the Court.

(d) After the child has been taken into custody, the child shall not be held incommunicado for more than two hours or incarcerated in a jail, police station cell, prison, workhouse, or correctional institution except by order of a judge of this Court and except as otherwise provided in this Chapter.

#### **§934. Other courts; issuance of warrants; powers and duties**

(a) Any judge of any state or municipal court or any official designated for such purpose may issue a warrant directing a peace officer to take into custody a child alleged to be delinquent.

(b) Any judge of any court of this State, including Justices of the Peace and local alderman, before whom a child is brought by a peace officer:

1. May release the child on his own recognizance, or on that of a person having his care, to appear before the Court when notified so to do.

2. May require the child to furnish reasonable cash or property bail or other surety for his appearance before the Court when notified so to do.

3. May order the child detained in a facility designated by the Department of Health and Social Services provided that the child, after having been given ample opportunity, shall fail to furnish the required bail; and provided that detention appears necessary for the child's or the public's protection; and provided that such detention shall continue only until the next session of the Family Court.

4. Shall notify the person having the care of the child, if his address be known, of the child's having been taken into custody, the reason therefor, and the disposition of the matter.

5. Shall file with this Court forthwith a petition in accordance with §932 on forms furnished by this Court.

**§935. Process; service; return; interim order; investigation**

(a) Following commencement of any action concerning a child, the child and his custodian shall be brought into the Court by summons or other process. If no custodian can be located, the child's guardian, or some suitable person (preferably a near relative) appointed by the Court to act in behalf of the child shall be notified to appear.

(b) A summons or other process of the Court may be served by any probation officer, sheriff, county, town, or city constable or police officer within his jurisdiction, either by reading the same to the person to be served, or by delivering a copy thereof to the person or by leaving a copy thereof at his usual place of abode in the presence of an adult person.

(c) The return of such summons or other process with the indorsement of service by the serving officer in accordance herewith shall be sufficient proof thereof.

(d) Where no custodian or interested close relative can be located, the Court may make such interim order as the interest of the child may require.

(e) In delinquency proceedings after the child has been adjudged delinquent and at any time in all other proceedings concerning a child the Court may accept a study relating to the child previously made by any recognized welfare agency, or may order a study made.

**§936. Disposition of child pending adjudication; payment for care**

Pending adjudication the Court may:

(a) Release a child alleged to be delinquent upon his own recognizance or upon the recognizance of his custodian or near relative, or upon bond with surety, to appear whenever and wherever notified to do so; or, where the required bond is not

provided, detain the child in a facility designated by the Department of Health and Social Services.

(b) Release a child alleged to be dependent or neglected to his custodian; or, where the welfare of the child appears to require such action, place him in the care of the Department of Health and Social Services or any suitable person or agency; provided, however, that if the child is placed with some one other than a relative, the Court shall require an evaluation and report from the Department of Health and Social Services.

(c) Order the person legally liable therefor to pay for the child's care during the period of his placement outside his own home.

(d) Defer proceedings pending further investigation, medical or other examination, or where the interest of a child will thereby be served.

**§ 937. Adjudication; disposition following adjudication; effect**

(a) Where the evidence supports such holding, the Court may declare a child to be dependent, neglected, or delinquent.

(b) Following adjudication, the Court may:

1. Defer proceedings pending further investigation, medical or other examinations, or where the interest of the child will thereby be served; and, where a child has been adjudged delinquent release him upon his own recognizance or upon the recognizance of his custodian or near relative, or upon bond with surety, to appear whenever and wherever notified to do so; or, where the required bond is not provided, detain him in a facility of the Department of Health and Social Services.

2. Allow a child to remain in his own home with or without Court supervision.

3. Grant custody of a child to any person or agency where satisfactory arrangements can be made but, in the event the child is placed in a home other than the home of a relative, the Court shall require an evaluation and report from the Department of Health and Social Services.

4. Refer the child to the Department of Health and Social Services for protective supervision.

5. Grant custody of a child to the Department of Health and Social Services for foster home placement.

6. Grant the care or custody of a child to any licensed child-placing agency in this State that will accept the child.

7. Grant the care or custody of a child to any division of the Department of Health and Social Services provided by the State for the care of children.

8. Grant the care or custody of a child to any private institution within or without the State that cares for children, provided satisfactory arrangements can be made.

9. Grant the care or custody of a child to any religious child-caring agency or institution, preferably of the child's religious faith or that of his parents, or either of them, within or without the State provided satisfactory arrangements can be made.

10. Place a delinquent child on probation.

11. Fine a delinquent child.

12. Order a delinquent child to make restitution in whole or in part as the Court in the exercise of judicial discretion determines for injury to the person or property of another caused by the child where the monetary damage can be ascertained.

13. Award custody of a delinquent child to the Department of Health and Social Services.

14. May commit a mentally ill, retarded, or disturbed child for observation or treatment to any appropriate institution within the State, or to any institution without the State which will consent to receive the child.

15. Prescribe such other treatment, punishment, or care as in the opinion of the Court would best serve the needs of the child and society.

(c) No adjudication upon the status of a child shall be deemed a conviction nor shall it be deemed to imply that a child is a criminal except as provided in Section 938 of this Act.

(d) Neither the adjudication nor any evidence given in any case shall be admissible against such child in any future civil or criminal proceeding in any court for any purpose other than a pre-sentence investigation ordered by this or any other court.

**§938. Proceeding against child as an adult; amenability proceeding; referral to another court**

(a) A child shall be proceeded against as an adult where:

1. The acts alleged to have been committed constitute first degree murder, rape, or kidnapping.

2. The child has reached his 16th birthday and is not amenable to the rehabilitative processes available to the Court.

3. The General Assembly has heretofore or shall hereafter so provide.

(b) In all cases specified in (a) the Court shall, upon application, hold a preliminary hearing and, if the facts warrant, thereafter refer the child to the Superior Court or to any other court having jurisdiction over the offense for trial as an adult.

(c) When a child has reached his 16th birthday and is thereafter charged with being delinquent, the Court may, on motion of the Attorney General or upon its own motion, defer further proceedings in the Family Court and conduct a hearing to determine whether the child is amenable to the rehabilitative processes of the Court. In determining whether the child is so amenable, the Court shall take into consideration, among others, the following factors which are deemed to be non-exclusive:

1. Whether, in view of the age and other personal characteristics of the child, the people of Delaware may best be protected and the child may best be made a useful member of society by some form of correctional treatment which the Family Court lacks power to assign; or

2. Whether it is alleged death or serious personal injury was inflicted by the child upon anyone in the course of commission of the offense or in immediate flight therefrom; or

3. Whether the child has been convicted of any prior criminal offense; or

4. Whether the child has previously been subjected to any form of correctional treatment by the Family Court; or

5. Whether it is alleged a dangerous instrument was used by the child; or

6. Whether other participants in the same offense are being tried as adult offenders.

If it decides that the child is amenable, it may proceed to hear the case. If it decides that he is not amenable, it shall refer the child to the Superior Court or to any other court having jurisdiction over the offense for trial as an adult.

## **PART B. ADULT CRIMINAL PROCEEDINGS**

### **§940. Prosecution of adults; process; bail**

(a) Prosecution of a person subject to the jurisdiction of the Court who has reached his 18th birthday prior to the time of the commission of the offense shall be by information only without trial by jury.

(b) A summons or other process may be employed to command the appearance of such person before the Court.

(c) Such person may be released on his own recognizance; or under such bail as the Court may require pending termination of his case; or, in default of bail, he may be committed to the Department of Health and Social Services pending termination of his trial.

### **§941. Duties of other courts**

(a) When any adult shall have been arrested for any offense within the jurisdiction of this Court, the arresting officer may

bring him directly to the Court in the appropriate county if it be in session, unless a Judge of the Court directs otherwise, or, if the Court is not in session, before any other criminal court.

(b) Such court shall inquire into the matter and shall hold the accused on his own recognizance or on bail, with or without surety, and may bind material witnesses for their appearance before this Court at its next session or at such time as they may be notified by this Court to appear; and in default of bail, the accused and material witnesses shall be committed to the Department of Health and Social Services to be delivered to this Court at its next session. All recognizances and bail bonds shall be forthwith forwarded to the Court in the appropriate County.

(c) The accused shall, upon application, be granted a preliminary hearing.

#### §942. Disposition

Where the facts warrant the Court may adjudge an adult guilty of the offense charged and may:

- (a) Impose the penalty provided by law; or
- (b) Suspend the penalty, or any part thereof, and place the person on probation under such terms and conditions as the Court deems proper.

### PART C. ADULT PROCEEDINGS

#### §950. Disposition

In any civil action within the jurisdiction of this Court and upon the petition of a person properly before it, the Court may:

- (a) Award the custody or possession of a child to any party to the action, establish visitation rights, and, in a proper case, order payment of support for the child.
- (b) Order a child's custodian to exercise such care and perform such acts as may be reasonably necessary to insure that the child shall obey the law and receive adequate care.

(c) Consent to a child's employment, or to his enlistment into the armed forces, or to his receiving medical care as may be required by law.

(d) Order a person under a duty to do so to pay through the Court or directly to his wife or to the custodian of his child reasonable support for the wife or child.

(e) In an action to prevent a family member from conduct that imperils the family relationship, order the defendant to desist from the acts complained of, or order individual or family counseling with the court staff or with any appropriate counseling agency, or enter such other order as may be required.

(f) May commit a mentally ill, retarded, or disturbed adult for observation or treatment to any appropriate institution within the State, or to any institution without the State which will consent to receive him.

#### **PART D. APPEALS**

##### **§960. Appeals**

(a) From any order, ruling, decision, or judgment of the Court there shall be the right of appeal as provided by law to the Superior Court.

(b) An appeal shall be taken to the Superior Court of the County in which is located the branch of this Court from whose disposition the appeal is taken.

(c) An appeal shall be taken within 30 days from the date of the disposition, or within such time as provided by law.

(d) The appellant shall give bond to the State of Delaware in such sum, with or without surety, and conditioned as the Court may require.

(e) No appeal shall stay the execution of an order of this Court unless such stay shall be specifically ordered by this Court in the first instance or by the Superior Court.

**§961 Appeals from custody orders**

(a) Any order of the Court relative to the custody of any child shall be subject to review.

(b) The child's parent, guardian, next friend or any interested person or agency, at any time within 30 days after the date of such order, upon giving surety for costs as provided in this section, may appeal to the Superior Court.

(c) Any Judge of the Superior Court may rehear the case; and for that purpose shall cause the child to be brought before him, and also the witnesses on behalf of the State and the custodian, and upon such rehearing, the Judge of the Superior Court shall make such order in the matter as he deems proper.

(d) The appeal shall not be allowed unless the parent, guardian, next friend, or interested person or agency shall give bond to the State of Delaware in such amount, and with such surety as is approved by one of the Judges of the Superior Court, conditioned for the payment of the costs of said appeal and rehearing.

(e) In the case of indigent person, the Court may, in its direction, waive surety for costs upon affidavit by such person that he is without funds and means of prosecuting the appeal.

(f) The taxing of costs shall be within the discretion of the Judge of the Superior Court who presides at the hearing.

**§962. Appeals by the State in Family Court cases**

(a) An appeal may be taken by the State from the Family Court to the Superior Court in the following instances:

1. Appeal as of right. The State shall have an absolute right to appeal to the Superior Court a final order of the Family Court where the order constitutes a dismissal of a petition or information or any count thereof or the granting of any motion vacating any verdict or judgment of conviction or delinquency where the order of the Family Court is based upon the invalidity or

construction of the statute upon which the petition or information is founded or where the order is based on lack of jurisdiction of the Family Court over the person or subject matter.

2. Appeal in the discretion of the Superior Court. The State may apply to the Superior Court to permit an appeal to determine a substantial question of law or procedure, and the Superior Court may permit the appeal in its absolute discretion. The Superior Court shall have the power to adopt rules governing the allowance of such an appeal; but, in no event shall the decision or result of the appeal affect the rights of the appellee and he shall not be obligated to defend the appeal, but the Superior Court may require the Public Defender of the State of Delaware to defend the appeal and to argue the cause; provided, however, that if the order appealed from is an order suppressing or excluding substantial and material evidence the Superior Court may permit an interlocutory appeal of any pretrial order, and if the order suppressing such evidence is reversed, the appellee may be subjected to a trial.

(b) The State shall have the same rights of appeal to the Supreme Court of the State of Delaware, as are provided in subparagraph (a) of this section, from an affirmance by the Superior Court of the order of the Family Court which was appealed.

(c) The appeal or application for appeal shall be filed with the Appellate Court within 30 days from entry of the order appealed from.

(d) "Order" for purposes of this section includes any judgment, order, ruling, decision, memorandum, opinion, or equivalent entry of the Court appealed from which constitutes a fixed determination by such Court.

## PART E. MISCELLANEOUS

### §970. Examination; treatment; payment

(a) The Court may order any person within its jurisdiction examined by a licensed practitioner in the appropriate field, and if the examiner shall certify that treatment would be in the interest of the examined person and the public, order such treatment.

(b) The Court may, after a reasonable opportunity to be heard, order the examined person, or the person legally liable for his support, to repay the Court for its outlay on his behalf, such sum, in such manner, within his ability, as the Court determines.

**§ 971. Assignment of prosecutors and public defenders**

Sufficient prosecutors and public defenders shall be assigned to the Court in each County as are required in the judgment of the Attorney General, the Public Defender and the Court.

**§ 972. Proceedings; privacy; informality**

(a) All proceedings before the Court and all records of such proceedings shall be private except to the extent that the Court may consider publication in the public interest except as provided below in subparagraph (b). Proceedings may, within the Court's discretion, be informal, but shall be consistent with decorum and the law.

(b) All records concerning any child shall be made duly available to the Superior Court and the Department of Health and Social Services.

**§ 973. Merger; effect on judges; employees; cases; records; prior offenses**

(a) Upon the effective date of this Chapter the Family Court of the State of Delaware in and for New Castle County and the Family Court for Kent and Sussex Counties shall be merged into one Family Court and shall not thereafter function as separate Courts.

(b) All persons who are employees of the Family Courts at the time of the merger shall be retained as employees of the merged Court, without diminution of rank, position, authority, or compensation by reason of enactment of this Chapter.

(c) Any case within the jurisdiction of the Family Court previously adjudicated in any Court which is active at the time of the merger shall be transferred to and be continued in the merged Court, and the records therein shall become the records of the

merged Court, which shall have authority to carry out such orders as were previously made in the case.

(d) No offense committed and no penalty or judgment incurred under the provisions of any law existing prior to the merger shall be affected by any of the provisions of this Chapter.

#### Section 2. §974. Severability

If any section, subsection, sentence, phrase or word of this Chapter or circumstances arising out of the application thereof shall be declared unconstitutional under the Constitution of the State of Delaware or of the United States by a state or federal court of competent jurisdiction, the remainder of this Chapter shall be unimpaired and shall continue in full force and effect and proceedings thereunder shall not be affected.

#### §975. Inconsistencies repealed

All acts or parts of acts inconsistent with this Chapter are to the extent of such inconsistency hereby repealed.

#### Section 3. §976. Effective Date

The provisions of this Act relating to the number and salaries of Family Court judges shall take effect upon the signature of this Act by the Governor. The Governor shall have the power to nominate the new judges and the Senate the power to consider and pass on any such nominations of Family Court judges after the date of such signature. The judges nominated and confirmed shall have the power to take the oath of office and shall be enabled to receive the salary then applicable. The remaining provisions of this Act shall take effect 90 days after the Governor's signature hereof.

Section 4. Title 11, § § 2711 and 2712 are hereby repealed; such repeal to take effect 90 days after the signature by the Governor of this Act. Any motion, hearing, proceeding, process or decision made, brought or carried on prior to the effective date of this Act and pursuant to the aforesaid sections hereby repealed, shall continue in full force and effect and shall not be terminated by virtue of the repeal of said sections. Any proceeding dealing

with amenability brought on or after the effective date of this Act shall be brought pursuant to the provisions of this Act.

Section 5. The sum of \$400,000 is hereby appropriated to the Family Court to effect the purposes of this Act. This Act shall be considered a supplementary appropriation for the fiscal year 1971 and the monies appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated. Any funds remaining unexpended on June 30, 1972 shall revert to the General Fund.

Approved June 9, 1971.

## CHAPTER 115

FORMERLY SENATE BILL NO. 101  
AS AMENDED BY SENATE AMENDMENT NO. 1**AN ACT TO AMEND TITLE 21, DELAWARE CODE, CHAPTER 7, RELATING TO THE JURISDICTION OF CERTAIN COURTS OVER CHILDREN SIXTEEN OR SEVENTEEN YEARS OLD CHARGED WITH VIOLATIONS OF THE MOTOR VEHICLE LAWS.**

WHEREAS, the legislation providing for the new state-wide Family Court and its jurisdiction has redefined the jurisdiction of the new Family Court over Motor Vehicle offenses; and

WHEREAS, jurisdiction over certain Motor Vehicle offenses is to be given to various courts other than the Family Court.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each House thereof concurring therein):*

Section 1. Title 21, Delaware Code, Chapter 7, is amended by adding thereto a new § 704A to read as follows:

**§704A. Jurisdiction over certain children**

(a) Justices of the Peace and the Municipal Court for the City of Wilmington, shall have jurisdiction over a child sixteen or seventeen years of age or older charged with having violated any provision in Chapter 41 of this Title except: obedience to a police officer (§4103); reckless driving (4175); and driving, operating or having in actual physical control a motor vehicle while under the influence of intoxicating liquor or any drug or combination thereof (§4176).

(b) Justices of the Peace and arresting officers shall conform to the procedure for advising the accused of all rights of election of trial in the Courts of Common Pleas as provided in Title 11, Delaware Code, §5901.

(c) The provision of §704 of this title shall also be applicable to all alleged offenders.

(d) Justices of the Peace and the Municipal Court for the City of Wilmington shall adhere to the procedures, where applicable, as specified in Title 10, Delaware Code, Chapter 9, for offenders over whom they have jurisdiction pursuant to this section.

Section 2. The provisions of this Act shall become effective ninety (90) days after the Governor's signature hereof.

Approved June 9, 1971.

## CHAPTER 116

FORMERLY SENATE BILL NO. 102  
AS AMENDED BY SENATE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 9, TITLE 10, CONCERNING  
THE JURISDICTION OF THE FAMILY COURT AND  
TRANSFER OF CASES FROM SUPERIOR COURT TO  
FAMILY COURT.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each branch concurring therein):*

NOW, THEREFORE,

Section 1. Title 10, Section 921, is hereby repealed and in lieu thereof a new Section 921 of Chapter 9, Title 10, Delaware Code, is hereby enacted to read as follows:

**§921. Exclusive original civil jurisdiction**

The Court shall have exclusive original civil jurisdiction in all proceedings in this State concerning:

(a) Any child found in the State who is alleged to be dependent, neglected, or delinquent except as otherwise provided in this Chapter.

(b)(1) Any child charged in this State with delinquency by having committed any act or violation of any law of this State or any subdivision thereof, except: murder in the first degree, rape, kidnapping, any child sixteen years of age or older charged with violating Chapter 41, Title 21, Delaware Code, except as hereinafter provided, or any other crime over which the General Assembly has granted or may grant jurisdiction to another court.

(2) Any child charged in this State with delinquency by having committed, after reaching his sixteenth birthday, murder in the second degree, manslaughter (except by motor vehicle), robbery, assault with intent to commit murder, burglary in the first degree or arson in the first degree; provided, however, that such child shall, after his first appearance in the Court, be given a

hearing as soon as practicable to determine his amenability to the processes of the Court. The Court shall give immediate notice of such hearing in writing to the Department of Justice and to the child's custodian, near relative, attorney or other interested person, if known, and then the Court shall proceed in accordance with the provisions of §938 of this Chapter. The Attorney General or one of his deputies shall be present at any such hearing.

Superior Court shall retain jurisdiction for purposes of sentencing if any judge or jury shall find the child guilty of a lesser included crime following a trial of one of the crimes specifically defined in this subsection or any crime in the case where the child has been transferred to the Superior Court by the Family Court pursuant to §938 hereof.

(c) Enforcement of any law of this State or any subdivision or any regulation promulgated by a governmental agency, or any petitions or actions, for the education, protection, control, visitation, possession, custody, care, or support of children.

(d) Judicial consent to employment, medical care, or enlistment in the armed services of a child when such consent is required by law.

(e) Actions to terminate compulsory school attendance by a child who has not attained his sixteenth birthday.

(f) Actions wherein a husband, or wife, or other adult member of a family alleges that some other member of the family is by his conduct imperiling the family relationship and petitions the Court for appropriate relief.

(g) Liability of relatives to support a poor person, 13 Del. C. § 601 and 31 Del. C. §§ 2830, 2831.

(h) Execution of forms consenting to marriages, 13 Del. C. § 123.

(i) Reciprocal support proceedings by or against non-residents, Chapter 6, Title 13.

(j) Any child in the State charged with any of the following violations of Chapter 41, Title 21, Delaware Code: §4103,

Obedience to police officers; §4175, Reckless driving; §4176, Operation of vehicle while under the influence of intoxicating liquor or any drug; and any child under the age of sixteen charged with delinquency by having committed a violation of any provision of Title 21, Delaware Code.

(1) The Court having jurisdiction of violation of Chapter 41, Title 21, Delaware Code, not covered above, shall not proceed, except to continue the case, without the presence of a custodian, near relative, attorney, or other interested person.

(2) Any judge of a court of proper jurisdiction, if he determines the existence of circumstances beyond the violation of Chapter 41, Title 21, Delaware Code, which indicates to him that the child sixteen or seventeen years old may be dependent, neglected, or delinquent, shall, in addition to hearing the violation of Chapter 41, cause a complaint to be filed charging dependency, neglect, or delinquency.

(3) Any sentence imposed against any child sixteen or seventeen years old by a court having jurisdiction of the offenses in Chapter 41, Title 21, Delaware Code, except those offenses within the jurisdiction of Family Court, shall be limited to a fine and costs. No court shall detain a child sixteen years of age or older in a jail or adult correctional institution or jail pending trial on any violation of Chapter 41, Title 21, Delaware Code. Any child pending trial shall, in the default of bail, be detained only in a juvenile correctional facility.

(4) Any child sixteen or seventeen years old who fails or refuses to pay a fine imposed by a court having jurisdiction of the offenses in Chapter 41, Title 21, Delaware Code, except those offenses within the jurisdiction of Family Court, and after exhaustion of all other legal remedies for collection provided by the State of Delaware, shall be charged with delinquency and referred to the Family Court.

(5) In all cases in which a child sixteen or seventeen years old is adjudged guilty of a violation of Chapter 41, Title 21, Delaware Code, except those offenses within the jurisdiction of the Family Court, the trial court shall send to the Family Court located in the county of such child's residence or, if such child is from out of state, to the Family Court located in the same county

as the trial court, a brief report containing the name of the child and said child's custodians, his address, the offense, the penalty imposed, and such other information as may be deemed pertinent on form to be provided by the Family Court.

Section 2. Chapter 9, Title 10, Delaware Code, is hereby amended by adding a new Section 939 to read as follows:

**§939. Transfer of cases from Superior Court to Family Court**

(a) In any case in which the Superior Court has jurisdiction over a child, the Attorney General may transfer the case to the Family Court for trial and disposition if, in his opinion, the interests of justice would be best served.

(b) Upon application of the defendant in any case where the Superior Court has original jurisdiction over a child, the Court may transfer the case to the Family Court for trial and disposition if, in the opinion of the Court, the interests of justice would be best served by such transfer. Before ordering any such transfer, the Superior Court may hold a hearing at which it may consider evidence as to the following factors and such other factors which, in the judgment of the Court are deemed relevant:

(1) The nature of the present offense and the extent and nature of the defendant's prior record, if any:

(2) The nature of past treatment and rehabilitative efforts and the nature of the defendant's response thereto, if any; and

(3) Whether the interests of society and the defendant would be best served by trial in the Family Court or in the Superior Court.

(c) In the event the case is transferred by the Superior Court under this section, the case shall proceed as if it had been initially brought in the Family Court, and the Family Court shall have jurisdiction of the case, anything to the contrary in this Chapter notwithstanding.

Section 3. The provisions of this Act shall become effective 90 days after the Governor's signature hereof. They shall amend the appropriate provisions of Senate Bill 100 of the 126th General Assembly.

Approved June 9, 1971.

CHAPTER 117

FORMERLY HOUSE BILL NO. 82

**AN ACT TO AMEND CHAPTER 22, TITLE 25, DELAWARE CODE, RELATING TO UNIT PROPERTIES, TO LIMIT THE CIRCUMSTANCES UNDER WHICH PARTITION SHALL LIE AFTER SUBSTANTIAL TOTAL DESTRUCTION OF A BUILDING.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 2239, Chapter 22, Title 25, Delaware Code, is amended by striking the word "or" appearing in the second sentence thereof immediately preceding the words "if seventy-five per cent" and by inserting in lieu thereof the word "and".

Approved June 11, 1971.

## CHAPTER 118

## FORMERLY HOUSE BILL NO. 180

**AN ACT TO AMEND SUBCHAPTER 11 OF CHAPTER 29,  
TITLE 21, DELAWARE CODE, RELATING TO CUSTODY,  
DISPOSITION AND RETURN OF SECURITY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 2924, Chapter 29, Title 21, Delaware Code, by adding a new subsection (d) to read as follows:

(d) If, after three (3) years from the date of deposit, the depositor or his representative has not sought the return of such deposit or balance thereof as referred to in subsection (c) of this section:

(1) A registered notice shall be mailed to the depositor, or his personal representative, if his address be known or if it can be ascertained by the exercise of reasonable diligence.

(2) If the address cannot be ascertained through the exercise of reasonable diligence, the Director shall cause to be inserted in one or more newspapers published in the city or county where the depositor was last known to reside at least once each week for two successive weeks, a notice to the depositor, his heirs or representative of the intended disposition of the security.

(3) If after ten (10) days from the date of the final notice in the newspaper a reply has not been received, the Director shall deposit the unclaimed security or balance thereof to the credit of the State Treasurer as other receipts of the Division.

Approved June 11, 1971.

## CHAPTER 119

FORMERLY HOUSE BILL NO. 202  
AS AMENDED BY HOUSE AMENDMENTS NO. 1 AND 2AN ACT TO AMEND CHAPTER 44, TITLE 21, DELAWARE  
CODE, RELATING TO ABANDONED VEHICLES.

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the members elected to each House thereof concurring therein):*

Section 1. Amend Section 4402, Chapter 44, Title 21, Delaware Code, by inserting in the second sentence of subsection (a) thereof after the words "State Police" and before the word "shall" the following words:

or the Department of Highways and Transportation.

Section 2. Amend Section 4402, Chapter 44, Title 21, Delaware Code, by striking the words "24 hours" in the second sentence of subsection (b) and inserting in lieu thereof the following words:

the time period designated by such notice.

Section 3. Amend Section 4402, Chapter 44, Title 21, Delaware Code, by striking subsection (d) in its entirety and inserting in lieu thereof a new subsection 4402 (d) as follows:

(d) In the event of an abandoned vehicle on private property with the consent of the owner or occupant thereof, or in the event of an abandoned vehicle which is the property of the owner or occupant of the private property where such vehicle is located, the Department of Highways and Transportation shall be authorized to enter upon the property where such vehicle is located in order to determine the owner. The Department shall then notify the owner of the abandoned vehicle by a written notice by certified mail, which shall be mailed to the owner's last-known address, directing that such vehicle must be removed within thirty (30) days from the date of mailing. In the event the vehicle is not removed within the thirty (30) days, or if the owner cannot be determined for the purpose of sending the written

notice, then employees or agents of the Department of Highways and Transportation shall be authorized to enter upon the property where the vehicle is located and conspicuously affix to said motor vehicle a sticker or tag showing the time and date of its affixing, and advising the owner that if the vehicle is not removed within twenty-four hours from the affixing of the sticker, the vehicle shall be removed to a storage area maintained by the Department of Highways and Transportation. The provisions of this subsection shall not be applicable to automobile graveyards as defined in Section 1202 (b) (2), Title 17, Delaware Code, and shall not be applicable to any vehicle on private property which are not visible from the street or road and are not otherwise a nuisance or create a health or fire hazard.

Section 4. Amend Section 4402, Chapter 44, Title 21, Delaware Code, by inserting in the third sentence of subsection (e) after the words "police officer" and before the word "shall" the following words:

or agents or employees of the Department of Highways and Transportation.

Section 5. Amend Section 4403, Chapter 44, Title 21, Delaware Code, by inserting in the first and second sentences thereof after the word "police" and before the word "authority" the following words:

or the Department of Highways and Transportation.

Section 6. Amend Section 4408, Chapter 44, Title 21, Delaware Code, by inserting after the word "officer" and before the word "acting" the following words:

or agent or employee of the Department of Highways and Transportation.

Section 7. Chapter 44, Title 21, Delaware Code, is amended by striking Section 4411 in its entirety and inserting in lieu thereof a new Section 4411 as follows:

**§4411. Storage area for abandoned vehicles**

The Department of Highways and Transportation shall

designate the area or areas in each county which shall be used for the storage of abandoned vehicles.

Section 8. Amend Section 4414, Chapter 44, Title 21, Delaware Code, by inserting a new subsection (c) to read as follows:

(c) Justices of the Peace shall have jurisdiction for purposes of this section.

Approved June 11, 1971.

## CHAPTER 120

FORMERLY SENATE BILL NO. 36  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND SECTION 1318, TITLE 14, DELAWARE CODE, RELATING TO SICK LEAVE PROVISIONS FOR SCHOOL EMPLOYEES BY PROVIDING TERMINAL PAY FOR UNUSED SICK LEAVE TIME.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 14, Section 1318, Delaware Code, subsection (g) (erroneously referred to as subsection (e) by Chapter 238, Volume 57, Laws of Delaware) is hereby amended by striking subsection (g) in its entirety and inserting in lieu thereof a new subsection (g) to read as follows:

(g) In the case of an employee to be retired subsequent to June 1, 1969, after serving in covered employment under provisions of Title 29, Chapter 55, Delaware Code, payment shall be made for each unused sick leave day, not to exceed 90 days, upon retirement. The total amount paid shall be based upon that portion of the salary computed in accordance with State schedules, regardless of the source of funding, and shall be based upon 50% of the per diem rate of pay in effect at the time of retirement. For school employees of the State Board of Education and School District Boards of Education the per diem rate shall be 1/185 of the annual salary based on State salary schedule for those employed ten months; for those employed 11 months the per diem rate shall be 1/204 of the annual salary based on State salary schedule; and for those employed 12 months, the per diem rate shall be 1/222 of the annual salary based on State salary schedule. The local employing agency shall certify the number of days to which the employee shall be entitled.

Section 2. This Act shall become effective July 1, 1971.

Approved June 11, 1971.

CHAPTER 121

FORMERLY SENATE BILL NO. 139

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO  
THE DEPARTMENT OF COMMUNITY AFFAIRS AND  
ECONOMIC DEVELOPMENT FOR FLAGS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The sum of \$3,500 is appropriated to the Department of Community Affairs and Economic Development for the Fiscal Year ending June 30, 1971, for the purpose of purchasing and distributing flags of this State to be distributed gratis to Delaware members of the Armed Forces of the United States serving overseas.

Section 2. This Act is a supplementary appropriation, and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated.

Section 3. Funds appropriated herein and unexpended shall revert to the General Fund on June 30, 1972.

Approved June 12, 1971.

## CHAPTER 122

## FORMERLY SENATE BILL NO. 171

**AN ACT TO AMEND CHAPTER 5, TITLE 31 OF THE  
DELAWARE CODE PERTAINING TO OLD AGE ASSIS-  
TANCE UNDER THE STATE PUBLIC ASSISTANCE CODE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Subsection (c), Section 503, Chapter 5, Title 31 of the Delaware Code, by striking the present Subsection (c) in its entirety and substituting in lieu thereof a new Subsection (c) to read as follows:

(c) The amount of assistance allowed in each case of old age assistance shall be limited by the circumstances of such case as ascertained, after full and complete investigation, by the Division of Social Services.

Approved June 12, 1971.

## CHAPTER 123

FORMERLY SENATE BILL NO. 179  
AS AMENDED BY SENATE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 18, CHAPTERS 13 AND 29 OF THE DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF SEPARATE ACCOUNTS BY DOMESTIC LIFE INSURERS FOR AMOUNTS PAID TO SUCH INSURERS TO PROVIDE LIFE INSURANCE OR ANNUITY BENEFITS PAYABLE IN FIXED OR VARIABLE DOLLAR AMOUNTS, OR BOTH.**

*Be it enacted by the General Assembly of the State of Delaware:*

WHEREAS, it is the intent and purpose of the General Assembly of the State through this Act to permit Delaware residents to have the opportunity to purchase variable life insurance contracts which contracts provide benefits payable in variable amounts base on investment experience. Such opportunity to increase the range of products available to life insurance purchasers is deemed to be in the best interest of the state; and

WHEREAS, the present Delaware Insurance Code does permit the sale of variable annuities, but does not have adequate legislation to permit the sale of variable life contracts, or sufficient legislation to comply with federal regulation on the broad scope of variable life and variable annuity products; and

WHEREAS, the concept and availability of variable annuities and variable life products has become of increasing concern and popularity to the public, and such products are permitted in other states; and

WHEREAS, the Security and Exchange Commission is presently considering guidelines to permit the sale and regulate variable life products to the extent of its jurisdiction; and

WHEREAS, in order to provide a full range of variable life products to our residents.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 18, Chapter 13, Section 1322 by repealing said section in its entirety.

Section 2. Amend Chapter 29, Title 18, Section 2933 by striking said section in its entirety and substituting in lieu thereof a new § 2933 to read as follows:

**§ 2933. Variable contract law**

(a) A domestic life insurer, including for the purposes of this Section all domestic fraternal beneficiary associations, societies or companies which operate on a legal reserve basis, may establish one or more separate accounts, and may allocate thereto amounts (including without limitation proceeds applied under optional modes of settlement or under dividend options) to provide for life insurance or annuities (and benefits incidental thereto), payable in fixed or variable amounts or both, subject to the following:

(1) The income, gains and losses, realized or unrealized, from assets allocated to a separate account shall be credited to or charged against the account, without regard to other income, gains or losses of the insurer.

(2) Except as may be provided with respect to reserves for guaranteed benefits and funds referred to in paragraph (3) of this subsection (i) amounts allocated to any separate account and accumulations thereon may be invested and reinvested without regard to any requirements or limitations prescribed by this title governing the investments of life insurers and (ii) the investments in such separate account or accounts shall not be taken into account in applying the investment limitations otherwise applicable to the investments of the insurer.

(3) Except with the approval of the Commissioner and under such conditions as to investments and other matters as he may prescribe, which shall recognize the guaranteed nature of the benefits provided, reserves for (i) benefits guaranteed as to dollar amount and duration and (ii) funds guaranteed as to principal

amount or stated rate of interest shall not be maintained in a separate account.

(4) Unless otherwise approved by the Commissioner, assets allocated to a separate account shall be valued at their market value on the date of valuation, or if there is no readily available market, then as provided under the terms of the contract or the rules or other written agreement applicable to such separate account; provided, that unless otherwise approved by the Commissioner, the portion if any of the assets of such separate account equal to the insurer's reserve liability with regard to the guaranteed benefits and funds referred to in paragraph (3) of this subsection shall be valued in accordance with the rules otherwise applicable to the insurer's assets.

(5) Amounts allocated to a separate account in the exercise of the power granted by this Act shall be owned by the insurer, and the insurer shall not be, nor hold itself out to be, a trustee with respect to such amounts. If and to the extent so provided under the applicable contracts, that portion of the assets of any such separate account equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business the insurer may conduct.

(6) No sale, exchange or other transfer of assets may be made by an insurer between any of its separate accounts or between any other investment account and one or more of its separate accounts unless, in case of a transfer into a separate account, such transfer is made, solely to establish the account or to support the operation of the contracts with respect to the separate account to which the transfer is made, and unless such transfer, whether into or from a separate account, is made (i) by a transfer of cash, or (ii) by a transfer of securities having a readily determinable market value, provided that such transfer of securities is approved by the Commissioner. The Commissioner may approve other transfers among such accounts if, in his opinion, such transfers would not be inequitable.

(7) To the extent such insurer deems it necessary to comply with any applicable federal or state laws such insurer, with respect to any separate account, including without limitation any separate account which is a management investment company or a unit

investment trust, may provide for persons having an interest therein appropriate voting and other rights and special procedures for the conduct of the business of such account, including without limitation special rights and procedures relating to investment policy, investment advisory services, selection of independent public accountants, and the selection of a committee, the members of which need not be otherwise affiliated with such insurer, to manage the business of such account.

(b) Any contract providing benefits payable in variable amounts delivered or issued for delivery in this State shall contain a statement of the essential features of the procedures to be followed by the insurer in determining the dollar amount of such variable benefits. Any such contract under which the benefits vary to reflect investment experience, including a group contract and any certificate in evidence of variable benefits issued thereunder, shall state that such dollar amount will so vary and shall contain on its first page a statement to the effect that the benefits thereunder are on a variable basis.

(c) No insurer shall deliver or issue for delivery within this State variable contracts unless it is licensed or organized to do a life insurance or annuity business in this State, and the Commissioner is satisfied that its condition or method of operation in connection with the issuance of such contracts will not render its operation hazardous to the public or its policyholders in this State. In this connection, the Commissioner shall consider among other things:

(1) The history and financial condition of the insurer;

(2) The character, responsibility and fitness of the officers and directors of the insurer; and

(3) The law and regulation under which the insurer is authorized in the state of domicile to issue variable contracts. If the insurer is a subsidiary of an admitted life insurer, or affiliated with such insurer through common management or ownership, it may be deemed by the Commissioner to have met the provisions of this subsection if either it or the parent or the affiliated insurer meets the requirements hereof.

(d) Notwithstanding any other provision of law, the Commissioner shall have sole authority to regulate the issuance and sale

of variable contracts, and to issue such reasonable rules and regulations as may be appropriate to carry out the purposes and provisions of this Act.

(e) Except for sections 2919, 2924 and 2925 of this title in the case of a variable annuity contract and sections 2906, 2911, 2912, 2913, 2929 and 3112 of this title in the case of a variable life insurance policy and except as otherwise provided in this Act, all pertinent provisions of this title shall apply to separate accounts and contracts relating thereto. Any individual variable life insurance contract, delivered or issued for delivery in this State shall contain grace, reinstatement and non-forfeiture provisions appropriate to such a contract. Any individual variable annuity contract, delivered or issued for delivery in this State shall contain grace and reinstatement provisions appropriate to such a contract. Any group variable life insurance contract, delivered or issued for delivery in this State shall contain a grace provision appropriate to such a contract. The reserve liability for variable contracts shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees.

Approved June 12, 1971.

## CHAPTER 124

FORMERLY SENATE BILL NO. 292  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 51, TITLE 16, DELAWARE  
CODE, RELATING TO THE QUALIFICATIONS OF THE  
HEADS OF CERTAIN INSTITUTIONS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 5111 subsection (e), Title 16, Delaware Code, is hereby amended by deleting said subsection in its entirety and substituting in lieu thereof a new subsection (e) to read as follows:

(e) The Secretary of Health and Social Services shall appoint a Superintendent of the Governor Bacon Health Center. The Superintendent shall be qualified in the field of child and adolescent psychiatry or psychology, with administrative experience. The Superintendent shall be the chief administrative officer of the Center.

Section 2. Section 5111 subsection (f), Title 16, Delaware Code, is hereby amended by deleting same in its entirety, and by relettering the subsequent paragraphs respectively.

Approved June 12, 1971.

CHAPTER 125

FORMERLY HOUSE BILL NO. 276

**AN ACT TO AMEND SUBCHAPTER II, OF CHAPTER 21,  
TITLE 21, DELAWARE CODE RELATING TO NUMBER  
AND REGISTRATION PLATES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Section 2121, Subsections (c) and (d), Title 21, Delaware Code, by striking the word "registration" wherever it appears in subsections (c) and (d) and substituting in lieu thereof the word "validation".

Approved June 12, 1971.

## CHAPTER 126

## FORMERLY HOUSE BILL NO. 287

**AN ACT TO AMEND CHAPTER 21, TITLE 5, DELAWARE CODE, RELATING TO REGULATION OF SMALL LOANS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 2108, Chapter 21, Title 5, Delaware Code, is hereby amended by adding to the title thereof the following:

; deferments, prepayments and refinancing.

Section 2. Section 2108, Chapter 21, Title 5, Delaware Code, is hereby amended by striking paragraph (a) in its entirety and substituting in lieu thereof the following:

(a) The holder of any certificate of registration from the State Bank Commissioner, granted pursuant to this chapter, and any State bank or trust company organized under this Code or any other laws of this State, or any National bank (without obtaining such certificate of registration) may lend money to any person, firm or corporation in any sum not exceeding \$500, to be repaid in periodic installments, taking the obligation of the borrower therefor, with any security that may be acceptable to the lender. Any such association, firm, partnership or corporation having a paid-in capital which is not subject to withdrawal and which shall exceed \$10,000, may make such loans in amounts to any one borrower in excess of \$500, but not exceeding 10% of the paid-in capital stock and surplus of such lender. Any such lender may charge interest at a rate not to exceed the legal rate of 6% charged in advance upon the entire amount of the loan, such loans to be limited to three years if less than \$1,500, five years if \$1,500 or over but less than \$5,000, and seven years if over \$5,000, and may make such loan repayable in weekly, monthly or other periodic installments, with the right of the lender to declare the entire unpaid balance due and payable in the event of default in the payment of any installment for a period of thirty days; and the lender may also charge an investigation fee or make a service charge of not exceeding 2% of the amount of any loan made

pursuant to this section. The investigation fee or service charge shall be only on the face amount of the loan and not on a per annum basis. No additional interest or commission shall be charged, nor shall any additional charge of any kind be made except as provided in Section 2109 of this title.

Section 3. Section 2108, Chapter 21, Title 5, Delaware Code, is hereby amended by adding the following new paragraphs (c) and (d):

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, any lender, at the request of the borrower, may extend or defer the scheduled due date of all or any part of any installment or installments, and may restate the amount of the installments and the time schedule therefor. The lender may collect for such extension or deferral a charge not to exceed the equivalent of one per cent per month simple interest on the amount of the installment, or installments, or part thereof, extended or deferred, for the period of such extension or deferral, except that a minimum charge of \$1.00 may be made. Such period shall not exceed the period from the date when such extended or deferred installment, or part thereof, would have been payable in the absence of such extension or deferral, to the date when such installment or installments, or part thereof, are made payable under the agreement of extension or deferment.

(d) Any borrower may pay in full at any time prior to maturity any loan made pursuant to this section. In the event of such payment or of refinancing of the balance of any such loan prior to maturity, the borrower shall receive a rebate or credit for unearned interest which shall represent at least as great a proportion of the interest charge as the sum of the unpaid installments as of the date of such prepayment or refinancing bears to the sum of all installments under the loan obligation, with the rebate or credit reduced by the amount of any unpaid fines charged under Section 2109 of this chapter plus costs of collection, if any, and charges for previous extensions or deferrals; provided, however, a lender shall not be required to rebate any unearned interest in an amount of \$1.00 or less, or for partial payments.

Approved June 12, 1971.

## CHAPTER 127

## FORMERLY HOUSE BILL NO. 288

**AN ACT TO AMEND CHAPTER 21, TITLE 5, DELAWARE CODE, RELATING TO SMALL LOAN PROVISIONS APPLICATION TO BANKS AND TRUST COMPANIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 2114, Chapter 21, Title 5, Delaware Code, is amended by adding after the word "chapter" and before the word "shall", as the same appear on the first line of said section, the following:

, except as otherwise specifically stated therein.

Approved June 12, 1971.

CHAPTER 128

FORMERLY HOUSE BILL NO. 304

**AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE, RELATING TO PROJECTIONS FROM THE PERIPHERY OF TIRES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the members elected to each House concurring therein):*

Section 1. Amend Section 4302, Title 21, Delaware Code, by adding a new paragraph thereto, to be designated "(b)", to read as follows:

"(b) Provided, that the use of studded tires from April 15 to October 15 on all motor vehicles using the highways of this State is prohibited."

Section 2. Amend further Section 4302, Title 21, Delaware Code, by redesignating the present text as paragraph (a).

Approved June 12, 1971.

## CHAPTER 129

## FORMERLY HOUSE BILL NO. 415

**AN ACT TO AMEND AN ACT BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" BY DELETING THE PROVISION FOR ANY TAX REDUCTION AND CHANGING THE DATE WHEN THE PENALTY BEGINS TO ACCRUE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each House concurring therein):*

Section 1. Subsection e, Section 25, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all said Subsection e and substituting in lieu thereof the following:

e. In the collection of said taxes, there shall be no abatement nor any penalty on any taxes paid on or after the first day of July next succeeding the delivery of the duplicate annual tax list to the City Manager and prior to the first day of September next succeeding the delivery of the duplicate annual tax list to the City Manager. On all taxes paid on or after the first day of September next succeeding the delivery of the annual duplicate tax list to the City Manager, there shall be added an amount equal to one per centum (1%) per month for each and every month such taxes shall remain unpaid and said penalty shall be collected in the same manner as the original amount of the tax.

Approved June 14, 1971.

## CHAPTER 130

FORMERLY HOUSE BILL NO. 199  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 33, TITLE 14, DELAWARE CODE, BY PROVIDING FOR THE EXTENDING OF VOCATIONAL REHABILITATION SERVICES TO PUBLIC ASSISTANCE RECIPIENTS, AND PROVIDING AN APPROPRIATION TO ASSIST IN SUCH SERVICES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 33, Title 14, Delaware Code, is amended by deleting Section 3301 thereof and inserting in lieu thereof the following:

**§ 3301. Definitions**

“Disabled person” means any person who by reason of a defect or infirmity or handicap, whether congenital or acquired by accident, injury, disease, or developmental circumstance, is or may be expected to be totally or partially incapacitated for remunerative occupation.

“Vocational rehabilitation” means the rendering of a disabled person fit to engage in remunerative occupation.

Section 2. There is hereby appropriated to the Department of Labor the sum of \$50,000 for the fiscal year ending June 30, 1971, to effect the vocational rehabilitation of public assistance recipients found to be susceptible of rehabilitation. Such funds may be transferred to other Departments as found necessary to effect the most favorable matching of Federal and other available funds.

Section 3. This Act shall be considered a supplementary appropriation and the monies appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 4. If any of the funds in the above categories

remain unexpended upon June 30, 1971, such funds shall thereupon revert to the General Fund of the State Treasury.

Section 5. The Secretaries of Labor and Health and Social Services shall submit to the Governor and all members of the General Assembly a detailed written report outlining the nature of the program, the number of individuals being trained, the amount of Federal and State monies spent to date of report, and an evaluation of the program. Such reports shall be submitted not later than March 1, 1972, and March 1, 1973, if said program is still active.

Approved June 16, 1971.

CHAPTER 131

FORMERLY HOUSE BILL NO. 237

**AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION  
TO THE DEPARTMENT OF LABOR TO EFFECT THE  
VOCATIONAL REHABILITATION OF PUBLIC ASSIS-  
TANCE RECIPIENTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Four Hundred Thousand Dollars (\$400,000) is hereby appropriated to the Department of Labor for the Fiscal Year ending June 30, 1972, to effect the vocational rehabilitation of public assistance recipients found to be susceptible of rehabilitation. Such funds may be transferred to other Departments as found necessary to effect the most favorable matching of Federal and other available funds.

Section 2. This Act shall be considered a supplementary appropriation and the monies appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 3. If any of the funds in the above categories remain unexpended upon June 30, 1972, such funds shall thereupon revert to the General Fund of the State Treasury.

Approved June 16, 1971.

## CHAPTER 132

## FORMERLY SENATE BILL NO. 130

**AN ACT TO AMEND CHAPTER 7, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ENFORCEMENT, ARREST, BAIL AND APPEAL FOR MOTOR VEHICLE VIOLATIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 701, Chapter 7, Title 21 of the Delaware Code, by adding "electronic devices, electro-mechanical devices, audio-sensor devices, visual sensor devices" between the phrase "by radar" and the phrase "or aerial spotting" as the same appear in paragraph (2) of sub-section (a) of Section 701.

Approved June 18, 1971.

CHAPTER 133

FORMERLY SENATE BILL NO. 303

**AN ACT TO AMEND CHAPTERS 45 AND 46, TITLE 6,  
DELAWARE CODE, RELATING TO PROHIBITING THE  
DENIAL OF EQUAL RIGHTS TO HOUSING AND EQUAL  
ACCOMMODATIONS BECAUSE OF SEX.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Chapter 45, Title 6, Delaware Code, by striking the words "race, creed, color or national origin" and substituting in lieu thereof the words "race, creed, color, sex or national origin".

Section 2. Amend Chapter 46, Title 6, Delaware Code, by striking the words "race, color, religion or national origin" wherever they appear therein and substituting in lieu thereof the words "race, creed, color, sex or national origin".

Approved June 18, 1971.

## CHAPTER 134

## FORMERLY SENATE BILL NO. 344

**AN ACT TO AMEND CHAPTER 68 OF TITLE 29, DELAWARE CODE RELATING TO THE DUTY OF THE STATE TREASURER TO MAINTAIN A SPECIAL ACCOUNT FOR THE DIVISION OF PURCHASING OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 68, Section 6809, Title 29, Delaware Code, by adding thereto a new paragraph to be designated as paragraph (c) which shall read as follows:

(c) The State Treasurer shall maintain in the name of the Department of Administrative Services, Division of Purchasing, a special revolving account. There shall be deposited in this special account all monies received as handling charges for the acquisition, warehousing, distribution or transfer of property of the United States of America as authorized under Section 6809 paragraph (a).

All funds collected by the Division of Purchasing shall be accounted for as provided by law for receipts of State Agencies. Such funds shall be used to cover the expenses of the program. In accordance with federal regulations no funds in such special account shall revert to the General Fund of the State of Delaware.

Approved June 18, 1971.

## CHAPTER 135

FORMERLY HOUSE BILL NO. 96  
AS AMENDED BY HOUSE AMENDMENTS NO. 1 AND 2

**AN ACT TO AMEND CHAPTER 5, TITLE 31 OF THE  
DELAWARE CODE, PERTAINING TO THE STATE PUBLIC ASSISTANCE CODE.**

WHEREAS, because federal assistance under the Social Security Act and for State assistance under this Title are inter-related through the State's "Standard of Need"; and

WHEREAS, under present circumstances recipients of State old age assistance, aid to the blind and aid to the permanently and totally disabled may be placed under severe hardship and disadvantage when Social Security benefits are increased because the State's "Standard of Need" for these categories of recipients are not increased by a similar amount; and

WHEREAS, it is the purpose and intention of this Act to eliminate these hardships and to provide that when any Social Security increase is given, that recipients of State old age assistance, aid to the blind and aid to the permanently and totally disabled will receive the full benefits of such increase.

**NOW, THEREFORE:**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 502, Chapter 5, Title 31 of the Delaware Code, by adding thereto a new definition, which shall read as follows:

"Standard of Need" shall mean the subsistence level for a decent and healthful standard of living as set under Section 503 of this chapter.

Section 2. Amend Section 508, Title 31 of the Delaware Code, by adding thereto the following paragraph:

The Standard of Need for old age assistance, aid and services to needy families with children, aid to the blind, or aid to the permanently and totally disabled shall be adjusted upward simultaneously with any percentage increase in Old Age Survivors Disability Insurance as provided by Title 11 of the Social Security Act, as amended. The dollar amount of increased adjustment of this Standard of Need shall be the same as the dollar adjustment of the increase in Old Age Survivors Disability Insurance.

Approved June 18, 1971.

CHAPTER 136

FORMERLY HOUSE BILL NO. 226

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE EDUCATIONAL CONTINGENCY FUND FOR THE PURPOSE OF TUITION PAYMENTS ON ACCOUNT OF DELMAR SCHOOL DISTRICT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of One Hundred Five Thousand Six Hundred Twenty Dollars (\$105,620) is hereby appropriated to the Educational Contingency Fund to provide for the payment of tuition for Delmar, Delaware, students attending Maryland schools which sum represents the difference between the amount due Delaware and the amount due Maryland through the exchange of students.

Section 2. The funds appropriated shall be used only for the purposes specified and any funds hereby appropriated that remain unexpended on June 30, 1971, shall revert to the General Fund of the State.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved June 18, 1971.

## CHAPTER 137

## FORMERLY SENATE BILL NO. 93

**AN ACT AUTHORIZING THE PAYMENT OF COMPENSATION AND TRAVEL ALLOWANCE TO THE FORMER COMMISSIONERS FOR THEIR SERVICES TO THE VETERANS' MILITARY PAY COMMISSION IN FISCAL YEAR 1971.**

WHEREAS, the former Commissioners of the Veterans' Military Pay Commission attended certain meetings and incurred travel expenses in connection with providing services to the Veterans of the State of Delaware in Fiscal Year 1971.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Treasurer of the State of Delaware is hereby authorized to pay, out of funds heretofore appropriated to the Veterans' Military Pay Commission, the total sum of \$935.70 for services rendered and expenses incurred by the following former Veterans' Military Pay Commissioners during fiscal year 1971:

- (1) Paul C. Hurschman
- (2) Dr. Fred D. Wood
- (3) Dr. M. Milford Caldwell
- (4) Anthony E. Pugliese
- (5) Richard W. Lambert

Approved June 20, 1971.

## CHAPTER 138

FORMERLY SENATE BILL NO. 150  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND SUBCHAPTER LIII, CHAPTER 8, TITLE 11 OF THE DELAWARE CODE, PROVIDING FOR PERSONS TRESPASSING UPON AND/OR DAMAGING OR DEFACING BUILDINGS AND GROUNDS ON STATE SUPPORTED SCHOOLS, COLLEGES AND UNIVERSITIES AND PROVIDING PENALTIES THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each House therefor concurring therein):*

Section 1. Amend Subchapter LIII, Chapter 8, Title 11 of the Delaware Code, by adding thereto a new section which shall be known and designated as Section 878, which new section shall read as follows:

**§878. Trespass upon buildings and grounds on State supported Schools, Colleges and Universities**

(a) Buildings and grounds of schools, colleges and universities supported in whole or part by the State of Delaware are declared to be special purpose buildings and grounds. The use of such special purpose buildings and grounds shall not be open to the public generally and shall be confined to bonafide students, staff and faculty of the institution or such other persons who have a specific, legitimate reason for being in or about said buildings or grounds.

(b) Any person refusing or failing to leave such special purpose buildings or grounds, or specific portion thereof, upon being requested to do so by an authorized employee of the school, college or university owning, operating or maintaining the buildings or grounds, if the surrounding circumstances are such as to indicate to a reasonable man that such person has no apparent lawful business to pursue at such place or is acting in a manner disruptive of and disturbing to the conduct of normal operations by such school, college or university shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more

than \$1000, or imprisoned for not more than six months, or both, in the discretion of the court.

(c) Any person who willfully damages or defaces any of the buildings, furnishings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of such institutions shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1000, or imprisoned for not more than six months, or both, in the discretion of the court. Justices of the Peace shall have concurrent jurisdiction of violations of the section.

Section 2. Should any provision of this Act or the application thereof to any person or circumstance be held invalid for any reason, such invalidity shall not affect the other provisions or other application of this Act which can be given effect without the invalid provision or application, and to this end, all provisions of this Act are hereby declared to be separable.

Approved June 20, 1971.

CHAPTER 139

FORMERLY SENATE BILL NO. 259  
AS AMENDED BY SENATE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 31, CHAPTER 43, DELAWARE  
CODE, KNOWN AS THE "HOUSING AUTHORITY LAW",  
BY PROVIDING FOR THE APPOINTMENT OF ONE  
ADDITIONAL MEMBER OF THE HOUSING AUTHORITY  
OF THE CITY OF WILMINGTON.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Title 31, Chapter 43, Delaware Code, by adding a new section to be designated as Section 4303 A. to read as follows:

**§4303 A. The Wilmington Housing Authority**

The Wilmington Housing Authority shall consist of seven (7) Commissioners, the six (6) present Commissioners and one (1) additional Commissioner to be appointed as hereinafter provided. The terms of the six (6) present Commissioners shall continue for the balance of their terms and thereafter the appointments shall be as stated in §4303 of this Title.

The additional Commissioner shall be appointed as follows: the Commissioner shall be appointed by the Mayor of the City of Wilmington, and he shall serve for a term of two (2) years and his successor shall be appointed to hold office in the case of a vacancy for the unexpired term, or in the case of expiration for a term of two (2) years or until his successor shall have been appointed.

Approved June 20, 1971.

## CHAPTER 140

## FORMERLY SENATE BILL NO. 302

**AN ACT TO AMEND SECTIONS 307 AND 1704, TITLE 15, DELAWARE CODE, RELATING TO THE AUDIT FOR NAMES AND THE REMOVAL OF NAMES OF PERSONS WHO HAVE NOT VOTED IN THE PRECEDING GENERAL ELECTION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 307, Title 15, Delaware Code, is hereby amended by deleting the words "in the last general election" wherever they appear therein and inserting in lieu thereof the words "in the last two preceding general elections".

Section 2. Section 1704, Title 15, Delaware Code, is hereby amended by deleting the words "at the last preceding general election" wherever they appear therein and inserting in lieu thereof the words "at the last two preceding general elections".

Approved June 20, 1971.

## CHAPTER 141

## FORMERLY HOUSE BILL NO. 345

**AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION  
TO THE VARIOUS DEPARTMENTS, INSTITUTIONS, AND  
SCHOOL DISTRICTS OF THE STATE.**

WHEREAS, to reduce air pollution of the State, the decision was made to use a fuel oil of low sulphur content in the various departments and school districts; and

WHEREAS, the change over to low sulphur content fuel oil added an additional burden on the operating appropriations of the departments and school districts, thereby rendering the appropriation insufficient to meet the requirement;

NOW, THEREFORE:

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$125,100 is appropriated to the various departments, institutions and school districts of the State to be allocated as follows:

Department of Health and Social Services .....	\$ 68,000
Claymont School District .....	1,000
Conrad Area School District .....	2,000
DeLaWarr School District .....	3,300
Alfred I. duPont School District .....	3,000
New Castle-Gunning Bedford School District .....	3,000
Marshallton-McKean School District .....	1,000
Appoquinimink School District .....	1,000
Mt. Pleasant School District .....	2,200
Newark School District .....	5,000
Stanton School District .....	1,600
Wilmington Public Schools .....	3,100
Alexis I. duPont School District .....	2,400
University of Delaware .....	10,300
Caesar Rodney School District .....	4,000
Kent County Vo-Tech School District .....	400
Lake Forest School District .....	800

Milford School District .....	1,400
Smyrna School District .....	1,100
Capital School District .....	1,800
Cape Henlopen School District .....	900
Delmar School District .....	300
Indian River School District .....	1,100
Laurel School District .....	700
Seaford School District .....	1,100
Sussex County Vo-Tech School District .....	300
Woodbridge School District .....	300
Department of Administrative Services .....	1,200
Delaware State College .....	1,500
Delaware National Guard .....	300
Department of Highways and Transportation .....	600
Delaware Technical and Community College .....	400
<b>TOTAL .....</b>	<b>\$125,100</b>

Section 2. Funds appropriated herein shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. The funds appropriated herein shall be considered a supplementary appropriation, and any funds remaining unexpended on June 30, 1971, shall revert to the General Fund.

Approved June 20, 1971.

## CHAPTER 142

## FORMERLY SENATE BILL NO. 432

**AN ACT TO AMEND CHAPTERS 121 AND 469, VOLUME 56, DELAWARE LAWS, AND CHAPTER 299, VOLUME 57, DELAWARE LAWS, RELATING TO CAPITAL IMPROVEMENTS AND EXPENDITURES, BY REMOVING CERTAIN RESTRICTIONS ON THE EXPENDITURE OF FUNDS ALLOCATED FOR THE CONSTRUCTION OF THE WEST DOVER BYPASS INCLUDING THE CAMDEN TO FREDERICA CONNECTION, AND BY MANDATING THE CONSTRUCTION THEREOF.**

WHEREAS, the safety of the travelling public is endangered by the lack of adequate North-South highway facilities in the greater Dover area; and

WHEREAS, in the last ten years traffic on Route 13 through the Dover area has increased from an average of 13,000 vehicles per day to an average of 44,000 vehicles per day with peaks in summer months exceeding 60,000 vehicles per day, with anticipated averages of 62,000 vehicles per day by 1985; and

WHEREAS, the reportable accidents in 1970 totalled 419 on U. S. Route 13 in the Dover area; and

WHEREAS, the location of a bypass on Route 13 around the City of Dover has been under consideration since 1958; and

WHEREAS, in 1959, in 1968, and in 1970, nationally recognized engineering and planning firms made independent studies to determine the need and proper location of a Dover Bypass; and

WHEREAS, the above mentioned engineering firms did in each instance recommend a location west of Dover; and

WHEREAS, the Kent County Regional Planning Commission, in 1971, independently, undertook a Transportation Study for Kent County conducted by a nationally known planning consultant whose recommendations did coincide and reaffirm the alignment recommended in the three previous studies; and

WHEREAS, endorsements approving and concurring in a bypass West of Dover have been ratified by the State Planning Office in 1964 and again in 1969, the City Council of Dover in 1969, the City of Dover Planning Commission in 1969, and the State Development Department in 1969; and

WHEREAS, the State Highway Department members in regular meetings on February 8, 1967, again on July 12, 1967, and again on March 5, 1970, did approve the westerly bypass corridor; and

WHEREAS, following the public meeting called by the Governor on March 1, 1971, the Council on Highways, which was authorized by the General Assembly, after lengthy discussion, as the body to make the decision on the location of major highway routes, voted four to one to reaffirm the previous decisions of the State Highway Department members; and

WHEREAS, the alignment for the West Dover Bypass is consistent with the planning of the City of Dover, the Transportation Plan of Kent County, and the Comprehensive State Plan of the State Planning Office; and

WHEREAS, controlled access highways designed according to modern standards enhance public safety by decreasing the accident rates by approximately two-thirds; and

WHEREAS, environmental studies have shown that construction of the West Dover Bypass will not adversely affect ecological balances or the environment in the area of the proposed bypass.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each House thereof concurring therein):*

Section 1. Chapter 469, Volume 56, Laws of Delaware, is amended by deleting Section 20 thereof in its entirety.

Section 2. Chapter 469, Volume 56, Laws of Delaware, is amended further by deleting Section 22 thereof in its entirety.

Section 3. Chapter 299, Volume 57, Laws of Delaware, is amended by deleting Section 20 thereof in its entirety.

Section 4. Chapter 121, Volume 56, Laws of Delaware, is amended by deleting Section 21 thereof in its entirety.

Section 5. The Department of Highways and Transportation is directed to proceed without delay with the planning and design of the West Dover Bypass, including the Frederica-to-Camden Connection, along the alignment approved by the State Highway Department in March of 1970.

Approved June 22, 1971.

## CHAPTER 143

FORMERLY SENATE BILL NO. 197  
AS AMENDED BY SENATE AMENDMENTS NO. 1 & 2

**AN ACT TO AMEND CHAPTERS 31 AND 33, TITLE 19,  
DELAWARE CODE, RELATING TO UNEMPLOYMENT  
COMPENSATION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Chapter 31, Title 19, Delaware Code, is amended  
by adding at the end thereof a new Section 3108 as follows:

**§3108. Unemployment Insurance Advisory Council**

(a) There is hereby established the Unemployment Insurance Advisory Council.

(b) The Unemployment Insurance Advisory Council shall serve in an advisory capacity to the Director of Unemployment Insurance and aid the Director in reviewing the unemployment insurance program as to its content, adequacy and effectiveness and to make recommendations for its improvement.

(c) The Unemployment Insurance Advisory Council shall be composed of seven (7) members appointed by the Governor. The terms of the newly appointed members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years.

(d) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(e) A Chairman of the Council may be chosen by the members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(f) Any appointment pursuant to this section to replace a member of the Council whose position becomes vacant prior to the expiration of his term shall be filled only for the remainder of that term.

Section 2. Section 3131, Title 19, Delaware Code, is amended by striking §3131 in its entirety and inserting in lieu thereof a new section 3131 as follows:

**§ 3131. Cooperation with Federal Agencies**

In the administration of this part, the Department shall cooperate with the U. S. Department of Labor to the fullest extent consistent with the provisions of this part, and shall take such action, through the adoption of appropriate rules, regulations, administrative methods and standards, as may be necessary to secure to this State and its citizens all advantages available under the provisions of the Social Security Act that relate to Unemployment Compensation, the Federal Unemployment Tax Act, the Wagner-Peyser Act, and the Federal-State Extended Unemployment Compensation Act of 1970.

In the administration of the provisions in Section 3331 of Chapter 33, which are enacted to conform with the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, the Department shall take such action as may be necessary.

(i) to ensure that the provisions are so interpreted and applied as to meet the requirements of such Federal Act as interpreted by the U. S. Department of Labor, and

(ii) to insure to this State the full reimbursement of the Federal share of extended benefits paid under this Act that are reimbursable under the Federal Act.

Upon request therefor the Department shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this part.

The Department may make its records relating to the administration of this part available to the Railroad Retirement Board established by Act of Congress and may furnish to the Board, at the expense of the Board, such copies thereof as the Board deems necessary for its purposes.

The Department may afford reasonable cooperation with every agency of the United States charged with the administration of any Unemployment Insurance or Compensation Law.

Section 3. Amend Section 3132, Title 19, Delaware Code, by striking out subsection 3132(a) (3) in its entirety and inserting in lieu thereof a new subsection as follows:

(3) The Department shall participate in any arrangement for the payment of compensation on the basis of combining an individual's wages and employment covered under this part with his wages and employment covered under the Unemployment Compensation laws of other States or of the Federal Government which are approved by the United States Secretary of Labor in consultation with the State Unemployment Compensation Agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which includes provisions for:

(A) Applying the base period of a single State law to a claim involving the combining of an individual's wages and employment covered under two or more State Unemployment Compensation laws, and

(B) Avoiding the duplicate use of wages and employment by reason of such combining.

Section 4. Amend Section 3133, Title 19, Delaware Code, by striking the words "Section 1603 (a) (4) of the Internal Revenue Code" and inserting in lieu thereof the words "Section 3304(a) (4) of the Internal Revenue Code."

Section 5. Section 3302, Title 19, Delaware Code, is amended as follows:

(a) By striking out subsection 3302 (1) in its entirety.

(b) By striking out subsection 3302 (8) in its entirety and inserting in lieu thereof a new subsection as follows:

(8) "Employer" means:

(A) Any employing unit which, after December 31, 1971,

(i) in any calendar quarter in either the current or preceding calendar year paid for service in employment wages of \$1500 or more, or

(ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment at least one individual (irrespective of whether the same individual was in employment in each such day);

(B) Any employing unit for which service in employment, as defined in Section 3302 (10) (B), is performed after December 31, 1971;

(C) Any employing unit for which service in employment, as defined in Section 3302 (10) (C), is performed after December 31, 1971;

(D) Any employing unit (whether or not an employing unit at the time of acquisition) which acquired the organization, trade, or business, or substantially all of the assets thereof, of another employing unit which at the time of such acquisition was an employer subject to this Chapter; or which acquired a part of the organization, trade, or business of another employing unit which at the time of such acquisition was an employer subject to this Chapter;

(E) Any employing unit which acquired the organization, trade, or business, or substantially all the assets thereof, of another employing unit (not an employer subject to this Chapter) and which would be an employer under paragraph (A) of this subdivision if, subsequent to such acquisition, it were treated as a single unit with such other employing unit;

(F) Any employing unit which, together with one or more other employing units, is owned or controlled (by legally

enforceable means or otherwise) directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which if treated as a single unit with such other employing units or interests, or both, would be an employer under paragraph (A) of this subdivision;

(G) Any employing unit not an employer by reason of any other paragraph of this subsection (i) for which, within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is liable for any Federal tax against which credit may be taken for assessments required to be paid into a State Unemployment fund; or (ii) which, as a condition for approval of this Act for full tax credit against the tax imposed by the Federal Unemployment Tax Act as required, pursuant to such Act, to be an "employer" under this Act;

(H) Any employing unit which, having become an employer under paragraph (A), (B), (C), (D), (E), (F), or (G) of this subsection, has not under sections 3341-3343 of this title ceased to be an employer subject to this Chapter; and

(I) For the effective period of its election pursuant to Section 3343, any employing unit which has elected to become subject to this Chapter.

For purposes of paragraphs (A) and (C) employment shall include service which would constitute employment but for the fact that such service is deemed to be performed entirely within another state pursuant to an election under an arrangement entered into (in accordance with Section 3121 of this title) by the Department and an Agency charged with the administration of any other State or Federal Unemployment Compensation Law.

For purposes of paragraphs (A) (ii) and (C), if any week includes both December 31 and January 1, the days of that week up to January 1 shall be deemed one calendar week and the days beginning January 1 another such week.

(c) By striking out subsection 3302(10) in its entirety and inserting in lieu thereof a new subsection as follows:

(10) "Employment" means:

(A) Any service performed prior to January 1, 1972, which was employment as defined in this subsection prior to such date and, subject to the other provisions of this subsection, service performed after December 31, 1971, including service in interstate commerce, by

(i) any officer of a corporation; or

(ii) any individual who, under Section 3302(10) (K) has the status of an employee; or

(iii) any individual other than an individual who is an employee under subdivision (i) or (ii) who performs services for remuneration for any person—

(I) as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk,) or laundry or dry-cleaning services, for his principal;

(II) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for side-line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations;

(III) as a full-time insurance salesman;

(IV) as a homemaker performing work, according to specifications furnished by the person for whom the services are performed, on materials or goods furnished by such person which are required to be returned to such person or a person designated by him;

Provided, that for purposes of subparagraph (A) (iii), the term "employment" shall include services described in (I), (II), (III), and (IV) above, performed after December 31, 1971, only if:

1. The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

2. The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

3. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed;

(B) Service performed after December 31, 1971 by an individual in the employ of this State of any of its instrumentalities (or in the employ of this State and one or more other States or their instrumentalities) for a hospital or institution of higher education located in this State, provided that such service is excluded from employment as defined in the Federal Unemployment Tax Act, pursuant to Section 3306(c) (7) of that Act, solely by reason that such service is immune under the Constitution of the United States from the tax of that Act and is not excluded from employment under Section 3302(10) (D) of this Chapter;

(C) Service performed after December 31, 1971 by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:

(i) The service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c) (8) of that Act; and

(ii) the organization had four (4) or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(D) For the purposes of paragraphs (B) and (C) the term "employment" does not apply to service performed—

(i) in the employ of (I) a church or convention or association of churches, or (II) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(ii) by a duly ordained, commissioned or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(iii) in the employ of a school which is not an institution of higher education; or

(iv) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

(v) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any Federal agency or an agency of a State or political subdivision thereof by an individual receiving such work relief or work training; or

(vi) for a hospital in a State prison or other State correctional institution by an inmate of the prison or correctional institution.

(E) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada or the Virgin Islands), after December 31, 1971 in the employ of an American employer (other than service which is deemed "employment" under the provisions of sub-paragraphs (H) or (I) of this subsection or the parallel provisions of another State's law), if:

(i) the employer's principal place of business in the United States is located in this State; or

(ii) the employer has no place of business in the United States, but

I. the employer is an individual who is a resident of this State; or

II. the employer is a corporation which is organized under the laws of this State; or

III. the employer is a partnership or a trust and the number of partners or trustees who are residents of this State is greater than the number who are resident of any one other State; or

(iii) none of the criteria of divisions (i) and (ii) of this subparagraph is met but the employer has elected coverage in this State or, the employer having failed to elect coverage in any State, the individual has filed a claim for benefits, based on such service, under the law of this State.

(iv) An "American employer" for purposes of this paragraph means a person who is:

I. an individual who is a resident of the United States; or

II. a partnership if two-thirds or more of the partners are residents of the United States; or

III. a trust, if all of the trustees are residents of the United States; or

IV. a corporation organized under the laws of the United States or of any State.

(v) For purposes of this paragraph, the term "United States" includes the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(F) Notwithstanding subsection (H) all service performed after December 31, 1971 by an officer or member of a crew of an American vessel on or in connection with such vessel, if the operating office, from which the operation of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this State; and

(G) Notwithstanding any other provisions of this subsection, service with respect to which a tax is required to be paid under any Federal law imposing a tax against which credit may be taken for assessments required to be paid into a State unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this Chapter.

(H) The term "employment" shall include an individual's entire service, performed within, or both within and without, this State if the service is localized in this State. Service shall be deemed to be localized within this State if –

(i) the service is performed entirely within this State; or

(ii) the service is performed both within and without this State but the service performed without this State is incidental to the individual's service within the State; for example, is temporary or transitory in nature or consists of isolated transactions.

(I) The term "employment" shall include an individual's entire service, performed within, or both within or without, this State if the service is not localized in any State but some of the service is performed in this State and

(i) the individual's base of operation is in this State; or

(ii) if there is no base of operations, then the place from which such service is directed or controlled is in this State; or

(iii) the individual's base of operations or place from which such service is directed or controlled is not in any State in which some part of the service is performed, but the individual's residence is in this State.

(J) Service covered by an election pursuant to Section 3343 shall be deemed to be employment during the effective period of the election.

(K) Notwithstanding any other provisions of this Chapter and irrespective of whether the common law relationship of employer and employee exists, services performed by an individual for wages, unless and until it is shown to the satisfaction of Department that –

(i) such individual has been and will continue to be free from control and direction in connection with the performance of such service, both under his contract for the performance of services and in fact; and

(ii) such service is performed either outside the usual course of the business for which the service is performed or is performed

outside of all the places of business of the enterprise for which the service is performed; and

(iii) such individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the service performed.

(d) By striking out subsection 3302(11) (A) in its entirety and inserting in lieu thereof a new subsection as follows:

(11) (A) Service performed by an individual in agricultural labor. For purposes of this subparagraph, the term "agricultural labor" means any service performed prior to January 1, 1972 which was agricultural labor as defined in this subparagraph prior to such date, and remunerated service performed after December 31, 1971:

(i) on a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife:

(ii) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

(iii) in connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15(g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, sec. 3; 12 U.S.C. 1141j) or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(iv) (I) in the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market or to a carrier for

transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half of the commodity with respect to which such service is performed;

(II) in the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in subdivision (I), but only if such operators produced more than one-half of the commodity with respect to which such service is performed;

(III) the provisions of subdivisions (I) and (II) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(v) on a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

(B) As used in subparagraph (A), the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(e) By striking out subsection 3302 (11) (C) in its entirety.

(f) By striking out subsection 3302 (11) (E) in its entirety.

(g) By striking out subsection 3302 (11) (F) in its entirety and inserting in lieu thereof a new subsection as follows:

(F) Service performed after December 31, 1971 in the employ of this State, or of any political subdivision, or of any instrumentality of this State or its political subdivision except as provided in Section 3302 (10) (B) or Section 3343(c) of this Act.

(h) By striking out subsection 3302 (11) (G) in its entirety and inserting in lieu thereof a new subsection as follows:

(G) Service performed after December 31, 1971 in the employ of a corporation, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office, except as provided in Section 3302(10) (C) of this Act.

(i) By striking out subsection 3302(11) (J) in its entirety.

(j) By amending further subsection 3302(11) by adding at the end thereof the following new subparagraphs (11) (L), (11) (M), and (11) (N) as follows:

(L) Service performed after December 31, 1971 in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

(M) Service performed after December 31, 1971 by an individual under the age of 22 who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regular organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or a group of employers.

(N) Service performed after December 31, 1971 in the employ of a hospital if such service is performed by a patient of the hospital, as defined in Section 3302(21).

(k) By striking out subsection 3302(14) in its entirety and inserting in lieu thereof a new subsection as follows:

(14) "States" includes, in addition to the States of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico and Virgin Islands.

(l) By striking out subparagraph 3302(17) (A) in its entirety and inserting in lieu thereof a new subparagraph as follows:

(17) "Wages" does not include —

(A) For the purposes of subsections (b) and (d) of section 3313 of this title, and subdivision (5) of section 3314 and sections 3345 and 3348 of this title:

(i) that part of the remuneration which, after remuneration equal to \$3600 with respect to employment during any calendar years preceding January 1, 1972, is paid to such individual by such employer during such calendar year; or

(ii) after December 31, 1971, that part of the remuneration which, after remuneration equal to \$4200 is paid to such individual by such employer during such calendar year.

For the purposes of subsections (b) and (d) of Section 3313, and subdivision (5) of section 3314 of this chapter,

(i) if \$3600 or more of remuneration has been paid by one employer to an individual during any calendar year prior to January 1, 1972, some portion of which is included in such individual's base period, the \$3600 shall be equally prorated throughout the quarters of such calendar year in which he was so employed, or

(ii) if \$4200 or more of remuneration has been paid by one employer to an individual during any calendar year after December 31, 1971, some portion of which is included in such individual's base period, the \$4200 shall be equally prorated throughout the quarters of such calendar year in which he was so employed.

The remuneration paid to an individual by an employer with respect to employment in another state or other states, upon which assessments were required of and paid by such employer under an unemployment compensation law of such other state or states shall be included as part of remuneration equal to \$3600 referred to in subsection (i) or \$4200 referred to in subsection (ii).

(m) By adding at the end of the said section the following new subsections (20) and (21).

(20) "Institutions of higher education", for the purposes of this section, means an education institution which

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized in this State to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(D) is a public or other nonprofit institution.

(E) Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this State are institutions of higher education for purposes of this section.

(21) "Hospital" means an institution which has been licensed, certified or approved by the Department of Health and Social Services as a hospital.

Section 6. Section 3314, Title 19, Delaware Code, is amended by adding at the end thereof the following new subsection to be numbered (6).

(6) Benefits based on service in employment defined in Section 3302(10) (B) and (C) shall be payable in the same

amount, on the same terms, and subject to the same conditions as compensation payable on the basis of other service subject to this part; except that benefits based on service in an instructional, research, or principal administration capacity in an institution of higher education (as defined in Section 3302(20)) shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms.

Section 7. Subchapter 2, Title 19, Delaware Code, is amended by adding at the end thereof a new Section 3331 to read as follows:

**§ 3331 Extended benefits**

(a) As used in this section, unless the context clearly requires otherwise:

(1) "Extended benefits period" means a period which

(A) begins with the third week after whichever of the following weeks occurs first:

- (i) a week for which there is a national "on" indicator, or
- (ii) a week for which there is a State "on" indicator; and

(B) ends with either of the following weeks, whichever occurs later:

- (i) the third week after the first week for which there is both a national "off" indicator and a State "off" indicator; or
- (ii) the thirteenth consecutive week of such period;

**Provided,** That no extended benefit period may begin by reason of a State "on" indicator before the fourteenth week

following the end of a prior extended benefit period which was in effect with respect to this State; and

**Provided further,** That no extended benefit period may become effective in this State for any week beginning before January 1, 1972.

(2) There is a "national 'on' indicator" for a week if the U. S. Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States equaled or exceeded 4.5 per cent.

(3) There is a "national 'off' indicator" for a week if the U. S. Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States was less than 4.5 per cent.

(4) There is a "State 'on' indicator" for this State for a week if the Department determines, in accordance with the regulations of the U. S. Secretary of Labor, that for the period consisting of such week and immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this Act —

(A) equaled or exceeded 120 per cent of the average of such rates for the corresponding 13 week period ending in each of the preceding two calendar years, and

(B) equaled or exceeded 4 per cent.

(5) There is a "State 'off' indicator" for this State for a week if the Department determines, in accordance with the regulations of the U. S. Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this Act —

(A) was less than 120 per cent of the average of such rates for the corresponding 13 week period ending in each of the preceding two calendar years, or

(B) was less than 4 per cent.

(6) "Rate of insured unemployment," for purposes of paragraphs (4) and (5) of this subsection, means the percentage derived by dividing

(i) the average weekly number of individuals filing claims in this State for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the Department on the basis of his reports to the U. S. Secretary of Labor, by

(ii) The average monthly employment covered under this Act for the first four of the most recent six completed calendar quarters ending before the end of such 13-week period.

(7) "Regular benefits" means benefits payable to an individual under this Act or under any other State law (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to 5 U. S. C. Chapter 85) other than extended benefits.

(8) "Extended benefits" means benefits (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to 5 U. S. C. Chapter 85) payable to an individual under the provisions of this section for weeks of unemployment in his eligibility period.

(9) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(10) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(A) has received, prior to such week, all of the regular benefits that were available to him under this Act or any other State law (including dependents' allowances and benefits payable to Federal civilian employees and ex-servicemen under 5 U. S. C. Chapter 85) in his current benefit year that includes such week;

**Provided,** That, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although (i) as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(ii) he may be entitled to regular benefits with respect to future weeks of unemployment, but such benefits are not payable with respect to such week of unemployment by reason of the provisions in Section 3316; or

(B) his benefit year having expired prior to such week, has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include such week; and

(C) (i) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other Federal laws as are specified in regulations issued by the U. S. Secretary of Labor; and

(ii) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

(11) "State Law" means the unemployment insurance law of any State, approved by the U. S. Secretary of Labor under Section 3304 of the Internal Revenue Code of 1954.

(b) Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the Department, the provisions of this part which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(c) An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the Department finds that with respect to such week:

(1) he is an "exhaustee" as defined in subsection (a)(10),

(2) he has satisfied the requirements of this Act for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

(d) The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

(e) The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be the least of the following amounts:

(1) fifty per cent of the total amount of regular benefits which were payable to him under this Act in his applicable benefit year;

(2) thirteen times his weekly benefit amount which was payable to him under this Act for a week of total unemployment in the applicable benefit year.

(f) (1) Whenever an extended benefit period is to become effective in this State (or in all States) as a result of State or National "on" indicators, or an extended benefit period is to be terminated in this State as a result of State and National "off" indicators, the Department shall make an appropriate public announcement.

(2) Computations required by the provisions of subsection (a)(6) shall be made by the Department, in accordance with regulations prescribed by the U. S. Secretary of Labor.

Section 8. Amend Section 3342, Title 19, Delaware Code, by striking out Section 3342 in its entirety and inserting in lieu thereof a new section as follows:

***s 3342. Termination of employer's coverage***

Except as otherwise provided in Section 3343 of this title, an employing unit shall cease to be an employer subject to this

Chapter only as of the first day of January of any calendar year, if it files with the Department, prior to the fifth day of January of such year, a written application for termination of employment and the Department finds that there was no employment as defined in Sections 3302(8) (A) and 3302 (10) (C) performed for an employing unit within the preceding calendar year.

For purposes of this section, the two or more employing units mentioned in subdivision (8) (D), (8) (E) or (8) (F) of Section 3302 of this title shall be treated as a single employing unit.

Section 9. Amend Section 3343, Title 19, Delaware Code, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection as follows:

(c) Any agency or instrumentality of the State of Delaware, except hospitals or institutions of higher education covered by provisions of section 3302 (8) (B), may elect coverage for its employees or for selected groups of employees under this chapter.

Section 10. Section 3343, Title 19, Delaware Code, is further amended by adding at the end thereof new subsections (d) and (e) as follows:

(d) (1) Any political subdivision of this State may elect to cover under this Act service performed by employees in all of the hospitals and institutions of higher education, as defined in Sections 3302(20) and 3302(21), operated by such political subdivision. Election is to be made by filing with the Department a notice of such election at least 30 days prior to the effective date of such election. The election may exclude any service described in 3302(10) (D). Any political subdivision electing coverage under this subsection shall make payments in lieu of assessments with respect to benefits attributable to such employment as provided with respect to nonprofit organizations in paragraph 3345(c) (4).

(2) The provision in Section 3314(6) with respect to benefit rights based on service for State and nonprofit institutions of higher education shall be applicable also to service covered by an election under this section.

(3) The amounts to be paid in lieu of assessments by any political subdivision under this section shall be billed and payment

made as provided in sections 3345 (c) (4) (C) with respect to similar payments by nonprofit organizations.

(4) An election under this section may be terminated by filing with the Department written notice not later than 30 days preceding the last day of the calendar year in which the termination is to be effective. Such termination becomes effective as of the first day of the next ensuing calendar year with respect to services performed after that date.

(e) Any agency or instrumentality of the State of Delaware or any political subdivision thereof which elects coverage for any of its employees shall for the purposes of this Chapter be referred to as a liable public employer.

Section 11. Section 3345, Title 19, Delaware Code, is amended by striking out the said section 3345 in its entirety and inserting in lieu thereof a new section as follows:

**§ 3345. Payment of employer's assessments**

(a) Assessments shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter, with respect to wages for employment. Such assessments shall become due and be paid by each employer to the Department for the fund in accordance with such regulations as the Department prescribes. Except in the case of a false or fraudulent report with intent to evade tax, the amount of assessments imposed by this Act shall be assessed within four years after the date of the filing of the report required by this chapter with respect to such assessments, and no civil action or other proceeding to enforce the payment of such assessments shall be commenced more than four years after the date of the filing of such report.

(b) "Base of Assessment". For the purposes of Section 3345(a) and 3348 and (i) subsequent to December 31, 1954 and prior to January 1, 1972, wages shall not include that part of remuneration which, after remuneration equal to \$3600 has been paid in a calendar year to an individual by an employer or his predecessor with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year, and (ii) subsequent to December 31, 1971, wages shall not

include that part of remuneration which, after remuneration equal to \$4200 has been paid in a calendar year to an individual by an employer or his predecessor with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year. For the purposes of this subsection, the term employment shall include service constituting employment under any unemployment compensation law of another State.

(c) Liability for assessments and election of reimbursement —

(1) In lieu of assessments required of employers under Section 3348 of this Act, liable public employers defined in Section 3343(e) shall pay into the Unemployment Compensation fund an amount equal to the amount of the regular benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of such liable public employer, to individuals for weeks of unemployment which begin during the effective period of such election.

(2) For purposes of this section, hospitals and institutions of higher education, covered under the provisions of Section 3302 (8) (B), are considered liable public employers and may elect reimbursement in lieu of assessments. The provisions of subsection (c) (3) of this section shall apply to hospitals and institutions of higher education covered under the provisions of Section 3302(8) (B).

(3) Any nonprofit organization or group of organizations, described in Section 501(c) (3) of the Internal Revenue Code which is exempt from income tax under Section 501(a) of such Code, which pursuant to Section 3302(8) (C) of this Act, is or becomes subject to this Chapter on or after January 1, 1972 shall pay assessments under the provisions of Sections 3345(a), 3345(b), and 3348 unless it elects, in accordance with this paragraph, to pay to the Department for the unemployment compensation fund an amount equal to the amount of the regular benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of such nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election.

(A) Any nonprofit organization which is, or becomes subject to this Act on January 1, 1972 may elect to become liable for reimbursement payments in lieu of assessments for a period of not less than one taxable year beginning with January 1, 1972 provided it files with the Department a written notice of its election within a 30 day period immediately following such date.

(B) Any nonprofit organization which becomes subject to this Chapter after January 1, 1972 may elect to become liable for reimbursement payments in lieu of assessments for a period of not less than 12 months beginning with date on which such subjectivity begins by filing a written notice of its election with this Department not later than 30 days immediately following the date of the determination of such subjectivity.

(C) Any nonprofit organization which makes an election in accordance with subparagraph (A) or subparagraph (B) of this section will continue to be liable for reimbursement payments in lieu of assessments until it files with the Department a written notice terminating its election of reimbursement payments not later than 30 days prior to the beginning of the taxable year for which such termination shall first be effective.

The term "reimbursement payments in lieu of assessments" means the money payments to the State unemployment compensation fund in lieu of assessments (required under Section 3348) by nonprofit organizations and liable public employers and which are equivalent to the amount of the regular benefits and of one-half of the extended benefits paid that is attributable to service in the employ of such employers.

(D) Any nonprofit organization which has been paying assessments under this Act for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the Department not later than 30 days prior to the beginning of any taxable year a written notice of election to become liable for reimbursement payments in lieu of assessments. Such election shall not be terminable by the organization for that and the next year.

(E) The Department may for good cause extend the period within which a notice of election, or a notice of termination, must

be filed, and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

(F) The Department, in accordance with such regulations as he may prescribe, shall notify each nonprofit organization of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and review in accordance with the provisions of Section 3344.

(4) (A) If benefits paid an individual are based on wages paid by one or more employers that are liable for reimbursement payments in lieu of assessments and on wages paid by one or more employers liable for assessments under Section 3348, the amount of benefits reimbursable by each employer liable for reimbursement payments to the fund shall be the amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bear to the total base period wages paid to the individual by all his base period employers.

(B) If benefits paid an individual are based on wages paid by two or more employers liable for reimbursement payments in lieu of assessments, the amount of benefits reimbursable by each such employer to the fund shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bear to the total base period wages paid to the individual by all his base period employers.

(c) At the end of each calendar quarter, or at the end of any other period as determined by the Department, the Department shall bill each nonprofit organization (or group of such organizations) which has elected to make payments in lieu of assessments for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such organization.

(D) Payment of any bill rendered under subparagraph (C) shall be made not later than 30 days after such bill was mailed to the last known address of the nonprofit organization or was

otherwise delivered to it, unless there has been an application for review and redetermination in accordance with subparagraph (F).

(E) Payments made by any nonprofit organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

(F) The amount due specified in any bill from the Department shall be conclusive on the organization unless, not later than 15 days after the bill was mailed to its last known address or otherwise delivered to it, the organization files an application for redetermination, setting forth the grounds for such application. The Department shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination in any case which such application for redetermination has been filed. Any such redetermination shall be conclusive on the organization unless, not later than 15 days after the redetermination was mailed to its last known address or otherwise delivered to it, the organization files an appeal to the Board, setting forth the grounds for appeal. Proceedings on appeal to the Board from the amount of a bill rendered under this subsection or a redetermination of such amount shall be in accordance with the provisions of Section 3344(b) and the decision of the Board shall be subject to the provisions of Section 3344(c).

(G) Past due reimbursement payments in lieu of assessments shall be subject to the same interest and penalties that, pursuant to Section 3357, apply to past due assessments.

(5) Notwithstanding any other provisions of Section 3345(c) (3), any nonprofit organization that prior to January 1, 1969 paid assessments required by subsection (a) of this section and pursuant to Section 3345(c) (3) elects, within thirty days after the effective date of such subsection 3345(c) (3), to make payments in lieu of assessments, shall not be required to make such payment on account of any regular or extended benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which began on or after the effective date of such election until the total amount of such benefits equals the amount (i) by which the assessments paid by such organization with respect to the two year period before the effective date of the election under 3345(c) (3) exceed

(ii) the total amount of unemployment benefits paid for the same period under this Chapter on the basis of wages paid for employment by such organization.

(6) **Group accounts** — Two or more employers that have become liable for payments in lieu of assessments, in accordance with the provisions of subsection 3345(c), may file a joint application to the Department for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this paragraph. Upon his approval of the application, the Department shall establish a group account for such employers effective as of the beginning of the calendar quarter in which he receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than two years and thereafter until terminated at the discretion of the Department or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of assessments with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The Department shall prescribe such regulations as it deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this paragraph, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this paragraph by members of the group and the time and manner of such payments.

Section 12. Section 3352, Title 19, Delaware Code, is amended by striking out § 3352 in its entirety and inserting in lieu thereof a new § 3352 as follows:

**§ 3352. Joint accounts of employers**

The Department may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or

more employers subject to assessments required by Section 3345(a) and (b) of this Chapter, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

Group accounts for two or more employers that have become liable for payments in lieu of assessments is prescribed in Section 3345(c) (6) of this Chapter.

Section 13. Section 3357, Title 19, Delaware Code, is amended by striking out the last unnumbered paragraph of Section 3357 which defines "state" in its entirety.

Approved June 23, 1971.

## CHAPTER 144

FORMERLY HOUSE BILL NO. 332  
AS AMENDED BY HOUSE AMENDMENTS NO. 1 AND 2**AN ACT TO TRANSFER TITLE TO REAL ESTATE FROM THE STATE OF DELAWARE TO THE KENT COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.**

WHEREAS, on April 6, 1953, Caroline T. Hughes and James H. Hughes, her husband, made a deed of gift to the State of Delaware of two acres of unimproved real estate located on Horse Pond Road, near Dover, in Kent County, Delaware, to be used for the specific purpose of establishing facilities for the care of stray or homeless animals; and

WHEREAS, the Kent County Society for the Prevention of Cruelty to Animals was chartered under the laws of the State of Delaware as a nonprofit charitable corporation on June 26, 1964, and has, since its incorporation, made use of the State land and placed on it buildings suitable for the care of such animals; and

WHEREAS, the Society now wishes to construct new buildings or additions to existing buildings in order to carry forth the purposes of the Society; and

WHEREAS, the Society does not wish to construct additional buildings or additions to existing buildings without having title to the land; and

**NOW, THEREFORE,**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Secretary of the Department of Natural Resources and Environmental Control is hereby empowered and directed to transfer and convey title of said real estate, hereafter more particularly described, for the consideration of \$1.00 (One Dollar), to the Kent County Society for the Prevention of Cruelty to Animals:

ALL that certain piece or parcel of land situated in East Dover Hundred, Kent County and State of Delaware, on the northeasterly side of the public road leading from Dixon's corner to Postles' corner and known as the new Horse Pond Road, and more particularly described according to a survey made by Charles C. Brown, a registered land surveyor, in November, 1952, as follows, to-wit:

BEGINNING at a hubstake set in the northeasterly line of the right-of-way of the aforesaid Horse Pond Road at the intersection thereof with the center line of an old county road, a corner for this land and lands formerly of N. Slaughter, now of Cris Gramp, said hubstake being located North 6 degrees 40 minutes East a distance of 30.6 feet from a nail set in the center line of the aforesaid Horse Pond Road; thence with the northeasterly line of the right-of-way of the aforesaid Horse Pond Road in a north-westerly direction curving to the right along the arc of a circle with a radius of 2,839.9 feet a distance of 198 feet to a point, a new corner now established in the aforesaid right-of-way line for these lands and other lands of Caroline T. Hughes; thence with other lands of Caroline T. Hughes by a new line now established North 0 degrees 51 minutes East a distance of 551 feet more or less to a point in the center line of the old county road, a new corner now established for these lands, other lands of Caroline T. Hughes, and lands formerly of N. Slaughter, now of Cris Gramp; thence along the center line of the old county road with lands formerly of N. Slaughter now of Cris Gramp, the following four courses, South 58 degrees East a distance of 46 feet to a hubstake, South 52 degrees 10 minutes East a distance of 144 feet to a hubstake, thence South 0 degrees 51 minutes West a distance of 486.1 feet to a hubstake, thence South 6 degrees 40 minutes West a distance of 92.5 feet to the place of beginning; containing within said metes and bounds an area of 2 acres of land, be the same more or less.

Approved June 24, 1971.

## CHAPTER 145

FORMERLY SENATE BILL NO. 211  
AS AMENDED BY SENATE AMENDMENT NO. 1**AN ACT TO AMEND TITLE 11, CHAPTER 43, RELATING TO  
THE BOARD OF PAROLE, COMPENSATION BY MEM-  
BERS AND MEETINGS, AND MAKING AN APPROPRIA-  
TION THEREFOR.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Title 11, Chapter 43, Delaware Code, is hereby amended by deleting subsection (a) of § 4344 and inserting in lieu thereof a new subsection (a) of § 4344 to read as follows:

**§4344. Compensation and expenses**

(a) The member who is a psychiatrist and/or psychologist and the member who is a lawyer shall each receive \$75 per day as compensation, and each other member except the Chairman shall receive \$75 per day, for services when attending a meeting of the Board. The meetings of the Board shall not exceed 50 in any year; however, the Governor may, in his discretion, give written authorization to the Board to hold as many meetings in excess of 50, in any year as the business of the Board may require.

Section 2. The sum of \$4,000 is appropriated to the Board of Parole for the fiscal year beginning July 1, 1971, and ending June 30, 1972, for purposes of implementing this section.

Approved June 25, 1971.

## CHAPTER 146

FORMERLY SENATE BILL NO. 273  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 7, TITLE 4 OF THE DELAWARE CODE RELATING TO THE SALE OF ALCOHOLIC LIQUORS ON THANKSGIVING DAY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend subsection (e), Section 717, Chapter 7, Title 4, Delaware Code, by striking the letter 'A' after the numerals '717', as the same appear in line 4 of said subsection (e), and inserting in lieu thereof the letter 'B'.

Section 2. Amend Section 717A, Chapter 7, Title 4, Delaware Code, by striking the words "and on Thanksgiving Day," wherever the same appear in said section.

Section 3. Amend Chapter 7, Title 4, Delaware Code, by adding a new section thereto to read as follows:

**§717B. Thanksgiving Day sales; definition**

(a) Any holder of a license for the sale of alcoholic liquor in a hotel, restaurant or club may sell alcoholic liquors on Thanksgiving Day between the hours of 1 o'clock in the afternoon and 9 o'clock in the evening for the consumption on the premises where served and in a room where meals are customarily served by the licensee.

(b) Any holder of a license to sell alcoholic liquors in the passenger cars of a railroad may sell alcoholic liquors on Thanksgiving Day, with meals, only in the dining car or cars between the hours of 1 o'clock in the afternoon and 9 o'clock in the evening.

(c) For the purpose of this section — "restaurant", "hotel" and "club" means a licensed premises where meals are served at regular hours on a daily basis from menus, and where alcoholic

liquors are served merely as an accommodation to those consuming food, or as a supplement to meals, and not as the principal activity in the premises.

Approved June 25, 1971.

## CHAPTER 147

## FORMERLY SENATE BILL NO. 279

**AN ACT TO AMEND SUBCHAPTER XVI, CHAPTER 3, TITLE 11 OF THE DELAWARE CODE RELATING TO DEADLY WEAPONS AND FIREARMS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 465, Subchapter XVI, Chapter 3, Title 11 of the Delaware Code, by striking the period (.) after the word "determine" at the end of the first sentence of Section 465, and adding thereto the following:

”; provided, however, that the provisions contained herein shall not apply to persons possessing machine guns for scientific or experimental research and development purposes, which machine guns have been duly registered under the provisions of the National Firearms Act of 1968. A copy of said registration shall be kept with any such machine gun and shall be made available for inspection by federal, state and local law enforcement officers upon request.

A machine gun shall be defined as any firearm actually capable of discharging more than one cartridge by a single pull of the trigger; and any firearm incapable of discharging more than one cartridge by a single pull of the trigger shall not be considered a machine gun.

Any test firing within the State of Delaware shall be made at facilities approved by the Adjutant General of the Delaware National Guard or the Secretary of the Department of Public Safety and shall be supervised by their duly appointed delegate.

No machine gun may be conveyed or transported unless it is disarmed by removal of its bolt; the disarmed machine gun and its bolts may be transported in the same vehicle, but they must be transported in separate locked containers.

Approved June 25, 1971.

## CHAPTER 148

FORMERLY SENATE BILL NO. 297  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND TITLE 15, DELAWARE CODE, RELATING TO A PORTION OF THE ELECTION LAWS, BY MAKING CERTAIN CHANGES THEREIN.**

Section 1. Title 15, §101, Delaware Code, is hereby amended by striking the first two paragraphs and inserting in lieu thereof the following:

“Ballot” means those portions of cardboard, paper or other material to be placed within the ballot frames of a voting machine or to be used for absentee voting in order to list the names of the offices to be voted for, the name of each candidate and the designation of the party by which he is nominated, a space for the voter to write in the name of any candidate of his choice for any office, and the statement of any question submitted with provision for a ‘yes’ or ‘no’ vote.

“Board of Elections” or “Board” in each of the three counties of the State means that body of individuals appointed by the Governor and confirmed by the Senate to serve as a Board of Elections for their respective counties, and as such vested with the responsibility and power to see to the administration of the Election Laws of this State in their respective counties as more particularly defined in this Title.

Section 2. Title 15, §101, Delaware Code, is hereby amended by striking the words “and 4731” where they appear in the definition of Election Officers under said section.

Section 3. Title 15, §103, Delaware Code, is hereby amended by striking the word “Department” wherever it appears therein, including the Title of said section, and inserting in lieu thereof the word “Board”.

Section 4. Title 15, §103 (c), Delaware Code, is hereby amended by striking the words “by the method provided for in this section” where they appear in the last sentence thereof.

Section 5. Title 15, §104, Delaware Code, is hereby amended by striking the word "Department" wherever it appears therein, including the Title of said section, and inserting in lieu thereof the word "Board".

Section 6. Title 15, §105, Delaware Code, is hereby amended by striking the word "Department" wherever it appears therein, including the Title of said section, and inserting in lieu thereof the word "Board".

Section 7. Title 15, §107, Delaware Code, is hereby amended by striking the word "Department" wherever it appears therein and inserting in lieu thereof the word "Board".

Section 8. Title 15, §108, Delaware Code, is hereby amended by striking the word "Department" wherever it appears therein and inserting in lieu thereof the word "Board".

Section 9. Title 15, §109, Delaware Code, is hereby amended by striking the word "Department" wherever it appears therein and inserting in lieu thereof the word "Board".

Section 10. Title 15, §110, Delaware Code, is hereby amended by striking the word "Department" wherever it appears therein and inserting in lieu thereof the word "Board".

Section 11. Title 15, §111, Delaware Code, is hereby amended by striking the word "Department" wherever it appears therein and inserting in lieu thereof the word "Board".

Section 12. Title 15, §112 (a), Delaware Code, is hereby amended by striking the word "Department" wherever it appears therein and inserting in lieu thereof the word "Board".

Section 13. Title 15, §112 (b), Delaware Code, is hereby amended to read as follows:

(b) The Administrative Director shall assist the Department of Elections of his county in carrying out its duties and responsibilities and, subject to the policies and directives of the Board, shall have general supervision over the employees of the Department and shall see to it that the work of the Department is performed in a proper and non-partisan manner.

Section 14. Title 15, § 112 (e), Delaware Code, is hereby amended by striking the word "Department" where it appears therein and inserting in lieu thereof the word "Board".

Section 15. Title 15, § 115 (b), Delaware Code, is hereby amended by striking the word "registration" where it appears therein and inserting in lieu thereof the word "Representative".

Section 16. Title 15, § 1306 (a), Delaware Code, is hereby amended by inserting the words "and procure" after the word "designate" and before the words "a registration place" where they appear in the first sentence therein.

Section 17. Title 15, § 1306 (b), Delaware Code, is hereby amended by deleting the last sentence therein.

Section 18. Title 15, § 1306 (d), Delaware Code, is hereby amended by striking it in its entirety and inserting in lieu thereof the following:

The registration officers of each election district shall fit out the room in the registration place.

Section 19. Title 15, § 1307 (b), Delaware Code, is hereby amended by striking it in its entirety and inserting in lieu thereof the following:

All other costs and expenses of registration shall be paid by the State.

Section 20. Title 15, § 1505, Delaware Code, is amended as follows:

**§ 1505. Alternate registrars; appointment**

Whenever the person appointed as Registrar for a particular election district is temporarily incapable of performing the duties of that office, the Department shall, whenever possible, appoint the Assistant Registrar of that election district from the same political party as Alternate Registrar, only for that time during which the Department shall determine the Registrar is unable to serve. If it is not possible to have the Assistant Registrar mentioned above serve as Alternate Registrar, then the Depart-

ment, if possible, shall appoint some other person named on the list submitted by the political party in which the Registrar is registered.

If an Assistant Registrar is unable to serve at any time, a substitute shall be appointed from the list submitted by the political party in which the Assistant Registrar is registered, if possible. Whenever feasible, a person already selected under Section 4701 of this Title to serve as a Clerk of Elections shall be appointed as a substitute for an Assistant Registrar. In no event shall there be more than two (2) persons of the same political party serving as registration officers in an election district.

Section 21. Title 15, §1507, Delaware Code, is hereby amended to read as follows:

**§ 1507. Oath of office for registration and election officers**

(a) Each person appointed under Section 1501 of this Title shall take and subscribe before the Department before beginning his duties the following oath (or affirmation):

I, \_\_\_\_\_, residing in \_\_\_\_\_ Election District of the \_\_\_\_\_ Representative District in \_\_\_\_\_ County, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Registration and Election Officer for the \_\_\_\_\_ Election District of the \_\_\_\_\_ Representative District in \_\_\_\_\_ County, according to the best of my ability.

(b) Any Board of Elections member, administrative director, deputy administrative director, or other authorized agent of the Department may administer this oath (or affirmation).

Section 22. Title 15, §1508, Delaware Code, is hereby amended to read as follows:

**§ 1508. Appearance of registration and election officers for taking of oath and instruction**

Each person appointed under Sections 1501 and 4701 of this Title shall appear before the Department to qualify by taking and

subscribing to the prescribed oath (or affirmation) and to receive suitable instruction after due notice from the Department, which shall be given at least seven (7) days before the times appointed for the appearance of the registration and election officers. No person shall be excused from the obligation unless he shall have become disqualified by sickness, disability, or otherwise.

Section 23. Title 15, § 1511, Delaware Code, is hereby amended by adding the following subsection thereto:

(d) Each Registrar, Assistant Registrar, and Alternate Registrar shall be paid Five Dollars (\$5.00) for each day's service in performing any duty required to be performed on a day other than the day of registration, except as otherwise provided.

Section 24. Title 15, § 1512, Delaware Code, is hereby amended by deleting the word "secretary" as it appears therein and inserting in lieu thereof the word "Administrative Director".

Section 25. Title 15, § 1702, Delaware Code, is hereby amended to read as follows:

**§ 1702. Removal of names by Board of Elections**

(a) At any duly called meeting of the Board of Elections for each county, the Board may sit to consider the removal of names from the County Master Record in cases where there is a valid reason to believe a person is no longer a duly qualified elector in the election district in which he is registered.

(b) The Board shall afford the affected voter the full right to be heard at such meeting with the right of appeal in all cases, first giving notice as required by Section 1711 of this Title.

Section 26. Title 15, § 1705 (b), Delaware Code, is hereby amended to read as follows:

(b) The Department shall remove the original and duplicate permanent registration records of each deceased voter from the Election District Record and the County Master Record and place them in a special file labeled "Disqualified Voters". If the Department so desires, it may file a microfilm copy of these records instead of the originals, which originals may then be

destroyed. The Commissioner shall delete the record of the deceased voter from his files.

Section 27. Title 15, § 1706 (d), Delaware Code, is hereby amended by striking the words "The Secretary or a member" where they appear in the fourth paragraph thereof and inserting in lieu thereof the words "The Administrative Director or any other agent".

Section 28. Title 15, § 1706 (e), Delaware Code, is hereby amended by striking the word "Department" where it appears as the second word in the second paragraph thereof and inserting in lieu thereof the word "Board".

Section 29. Title 15, § 1726, Delaware Code, is hereby amended by striking the last two sentences thereof and inserting in lieu thereof the following:

"Such flags shall bear the following words:

'REGISTRATION AND POLLING PLACE'."

Section 30. Title 15, § 1728, Delaware Code, is amended to read as follows:

The registration officers shall, at the conclusion of their last sitting, sign an oath that within their knowledge no false or improper entries have been made in the registration records.

Section 31. Title 15, § 1741 (a) (1), Delaware Code, is hereby amended by deleting the words "except between the third Saturday in October and Election Day in the year of a general election", inserting in lieu thereof the following words:

except during the period from the third Saturday in October of a general election year through election day.

Section 32. Title 15, § 1751, Delaware Code, is hereby amended by deleting the words "at any time except during the period from March 1 until the third Tuesday in June of an election year", and inserting in lieu thereof the following words:

at any time except during the periods from March 1 until the third Tuesday in June of a general election year and from the third Saturday in October of that year through election day.

Section 33. Title 15, § 2001, Delaware Code, is hereby amended by deleting the words "until the third Saturday in October of a general election year" and inserting in lieu thereof the words:

except during the period from the third Saturday in October of a general election year through election day.

Section 34. Title 15, § 3107 (a) (1), Delaware Code, is hereby amended by inserting the words "and each Department of Elections" after the words "State Election Commissioner" where they appear in the first sentence thereof.

Section 35. Title 15, § 3124 (c), Delaware Code, is hereby amended by striking "§ 5011" where it appears therein and inserting in lieu thereof "§ 4910".

Section 36. Title 15, § 3124 (c), Delaware Code, is hereby amended by striking the words "subsection (b)" wherever they appear therein and inserting in lieu thereof "subsection (c)".

Section 37. Title 15, § 3124 (c), Delaware Code, is hereby amended by striking the words "subsection (c)" where they appear therein and inserting in lieu thereof the words "subsection (d)".

Section 38. Title 15, § 3125 (c), Delaware Code, is hereby amended to read as follows:

(c) Poll lists, stationary and other such supplies customary and necessary for the use of the officers conducting such primary election.

Section 39. Title 15, § 3125 (d), Delaware Code, is hereby amended by striking the word "printed" where it appears therein and inserting in lieu thereof the word "written".

Section 40. Title 15, § 3128, Delaware Code, is hereby amended by deleting it in its entirety and inserting in lieu thereof the following:

**§ 3128. Designation of polling places**

The Departments of Election shall, at least two weeks prior to the primary election, designate the place for holding a primary election in each primary election district in the same manner as it designates polling places for general election.

Section 41. Title 15, § 3147, Delaware Code, is hereby amended by deleting it in its entirety and inserting in lieu thereof the following:

**§ 3147. Powers to preserve peace**

Each of the election officers of any primary election shall have the same powers as provided in Section 4953 of this Title.

Section 42. Title 15, § 3163, Delaware Code, is hereby repealed.

Section 43. Title 15, § 3166, Delaware Code, is hereby amended by deleting it in its entirety and inserting in lieu thereof the following:

**§ 3166. Challengers**

(a) Each candidate for nomination at any primary election may appoint and accredit some suitable person as a challenger. One challenger for each candidate whose name appears on the ballot for that election district may be present inside the polling place and shall be permitted to observe the conduct of the primary election and all the election records. The challengers may be changed and their places filled in like manner during the day.

(b) The duties, privileges and activities of these challengers shall be governed by sections 4934 (b) and (c) and other pertinent sections of this Title, consistent with this Chapter.

Section 44. Title 15, § 3172, Delaware Code, is hereby amended by deleting it in its entirety and inserting in lieu thereof the following:

**§ 3172. Tabulation of vote and proclamation of results**

As soon as the polls are closed at a primary election, the votes shall be tabulated as set forth in Chapter 49 of this Title.

Section 45. Title 15, §4503, Delaware Code, is hereby amended by striking the words "and distribution" where they appear in the title line thereof.

Section 46. Title 15, §4503 (a), Delaware Code, is hereby amended by striking the words "and distribute" where they appear therein.

Section 47. Title 15, §4506, Delaware Code, is hereby amended by deleting in its entirety and inserting in lieu thereof the following:

**§4506. Substitution of candidate's name after printing of ballots**

In case of the death, removal or resignation of any candidate after the printing of the ballots and before the election, the Chairman of the State, County, or District political organization, by which such candidate was nominated, may make a nomination to fill such vacancy.

The Department of Elections shall be responsible for the printing of additional ballots, posters or any other necessary printing. If posters containing the name of the candidate are used, the Department shall deliver them to the Inspector who shall see to it that they are placed and maintained on the appropriate places on the voting machines and certificates of election.

Section 48. Title 15, §4510, Delaware Code, is hereby repealed.

Section 49. Title 15, §4511, Delaware Code, is hereby amended by deleting the words "When ballots provided for in this Chapter are used pursuant to Chapter 50 of this Title, there shall be furnished for any such election district two tally sheets", and inserting in lieu thereof the words "There shall be furnished for each election district absentee ballot tally sheets and write-in vote tally sheets".

Section 50. Title 15, § 4514 (b), Delaware Code, is hereby amended by adding a new sentence to the end thereof as follows:

There shall be a space provided to record the number of absentee ballots counted and the number of absentee ballots rejected.

Section 51. Title 15, § 4515, Delaware Code, is hereby amended by deleting the word "Registrar" and inserting in lieu thereof the word "Inspector" where it appears in the first paragraph thereof.

Section 52. Title 15, § 4515 (3), Delaware Code, is hereby repealed.

Section 53. Title 15, § 4515 (9), Delaware Code, is hereby amended by deleting it in its entirety and inserting in lieu thereof the following:

"(9) Fifteen (15) blank forms of oaths provided for in § 4946 of this Title."

Section 54. Title 15, § 4515, Delaware Code, is hereby amended by deleting the last paragraph thereof in its entirety.

Section 55. Title 15, § 4518 (a), Delaware Code, is hereby amended by striking the words "shall designate" where they appear in the first sentence therein and inserting in lieu thereof the words "shall designate and procure".

Section 56. Title 15, § 4518 (b), Delaware Code, is hereby amended by deleting the last sentence in its entirety.

Section 57. Title 15, § 4518 (d), Delaware Code, is hereby amended by deleting the words "or Booths" where they appear in the first sentence thereof.

Section 58. Title 15, § 4518 (d), Delaware Code, is hereby amended by striking the last sentence thereof in its entirety.

Section 59. Title 15, § 4521, Delaware Code, is hereby amended by striking the word "secretary" where it appears therein and inserting in lieu thereof the word "Administrative Director".

Section 60. Title 15, §4522, Delaware Code, is hereby repealed.

Section 61. Title 15, §4702, Delaware Code, is hereby repealed.

Section 62. Title 15, §4703, Delaware Code, is hereby repealed.

Section 63. Title 15, §4705, Delaware Code, is hereby amended by inserting the words "or clerk" after the words "or Judge of Election" wherever they appear therein.

Section 64. Title 15, §4706, Delaware Code, is hereby amended by inserting the word "clerk," after the words "Judge of Election," where they appear therein.

Section 65. Title 15, §4706, Delaware Code, is hereby amended by adding thereto a new paragraph to read as follows:

If any election officer shall be temporarily unable to perform his duties on the day of a primary or special election because of illness, disability, or any other cause deemed reasonable by the Department, an alternate shall be appointed by the Department. If the Inspector is unable to serve, the Judge of Election of the same political party as the Inspector shall be named to serve as his alternate, whenever possible. If a Judge is unable to serve, a Clerk of Election of the same party as the Judge shall be appointed alternate, whenever possible. In all other cases and in finding alternates or substitutes for Clerks of Election, the Department shall give preference in making these temporary appointments to those persons named on the lists submitted by the political parties in accord with Section 1501 (b) of this Title, if it is feasible to do so.

Section 66. Title 15, §4708, Delaware Code, is hereby amended by adding thereto the words "or clerk" after the words "Judge of Election" wherever they appear therein.

Section 67. Title 15, §4709, Delaware Code, is hereby repealed.

Section 68. Title 15, §4732, Delaware Code, is hereby repealed.

Section 69. Title 15, §4735, Delaware Code, is hereby repealed.

Section 70. Title 15, §4736, Delaware Code, is hereby repealed.

Section 71. Title 15, §4737, Delaware Code, is hereby repealed.

Section 72. Title 15, §4740, Delaware Code, is hereby repealed.

Section 73. Title 15, §4741, Delaware Code, is hereby amended by striking the words "Not more than twenty-one (21) days and not less than ten (10) days prior to date of election," where they appear in the first sentence thereof and inserting in lieu thereof the words "During the thirty (30) days prior to the day of election,".

Section 74. Title 15, §4902, Delaware Code, is hereby amended by striking the word "Registrar" wherever it appears therein and inserting in lieu thereof the word "Inspector".

Section 75. Title 15, §4902, Delaware Code, is hereby amended by striking the words "Assistant Registrar" where they appear therein and inserting in lieu thereof the word "Judge".

Section 76. Title 15, §4910, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof the following:

**§4910. Instruction sheets; sample ballots**

(a) Two sheets of instructions to voters shall be posted in the polling place prior to the opening of the polls. One of the sheets shall be placed near the door to the voting room.

(b) The Department of Elections shall also provide for each election district two sample ballots applicable to such election district, which ballots shall measure approximately ten (10) inches

by twelve (12) inches and shall be arranged in the form of a diagram showing such portion of the front of the voting machine as will appear after the official ballots are arranged therein for voting. Such sample ballots shall be posted in a conspicuous place in each polling place on each election day. Such sample ballots shall be delivered to the Department of Elections which shall in turn deliver them with the other election supplies to the proper election officers throughout the county.

(c) The Department of Elections shall deliver to the County Chairman of each political party, free of charge, fifteen (15) sample ballots for each election district in the county.

(d) In addition to the sample ballots mentioned in subsections (b) and (c) of this section, the Department of Elections in each county shall cause to be printed such further number of sample ballots as shall be directed by the chairman of any committee of any political party in any county. However, the Department of Elections shall not have printed any sample ballots upon the order or request of any chairman of any committee of any political party unless the request shall have been made to him in writing at least sixty-five (65) days prior to the holding of the election at which the sample ballots are to be used, nor unless a deposit sufficient to cover the cost of the sample ballots be paid at the time they are ordered.

(e) The sample ballots to which the political parties shall be entitled hereunder shall be delivered to the county chairman of a political party or to his agent upon his request not more than ten (10) days and not less than five (5) days before the election for which said sample ballots have been prepared.

Section 77. Title 15, §4911, Delaware Code, is hereby repealed.

Section 78. Title 15, §4912 (a), Delaware Code, is hereby amended by striking the last sentence thereof in its entirety.

Section 79. Title 15, §4913, Delaware Code, is amended to read as follows:

**§4913. Procedure prior to opening of polls**

(a) The election officers of each election district shall attend at the polling place three-quarters of an hour before the

time set for opening of the polls, and shall proceed to arrange the furniture, stationery and voting machine for the conduct of the election. The Department of Elections shall have the voting machines, ballots, and stationery required to be delivered to the polling place for such election. If not previously done, the election officers shall insert in their proper places on the voting machine the ballot containing the names of officers to be filled at such election and the names of candidates nominated therefor. The election officers shall cause to be posted conspicuously within the polling place the two (2) instruction cards and two (2) sample ballots. They shall see that the light for the voting machine is in good order and that it is lighted, if that is necessary, in order that the names upon the ballot shall be clearly visible. They shall inspect the screen, hood or curtain of the machine to make certain that it has not been damaged or tampered with so as in any manner to lessen or endanger the secrecy of voting. They shall see to it that no mirror is placed or allowed to remain in such a position so as to permit a view of any part of the front, sides, or top of the voting machine.

(b) The keys to the voting machine shall be delivered to the election officers at least three-quarters of an hour before the time set for opening the polls, in a sealed envelope, on which shall appear the number and location of the voting machine, the number of the seal, the number registered on the protective counter or device and on the write-in paper roll. The envelope containing the keys shall not be opened until at least one election official from each of the two (2) political parties shall be present at the polling place and shall have examined the envelope to see that it has not been opened. Before opening the envelope, all election officers present shall examine the number on the seal of the machine, the number registered on the protective counter, and also at the top of the write-in paper roll, and shall see if they are the same as the number written on the envelope; and if they are not the same, the machine must not be opened until a representative of the Department shall have presented himself at the polling place for the purpose of re-examining such machine and shall certify that it is properly arranged.

(c) If the numbers on the seal and protective counter are found to agree with the numbers on the envelope, the election officers shall proceed to open the doors concealing the counters, and each officer shall carefully examine every counter and see that

it registers zero (000), and the same shall be subject to the inspection of official challengers. The machine shall remain locked against voting until the polls are formally opened and shall not be operated except by voters in voting. The doors concealing the counters shall be locked before any vote is cast on the voting machine and shall remain locked until after the polls have closed. If any counter is found not to register zero (000), the election officers shall immediately notify the Department of Elections which shall cause each counter to be tested for accuracy by casting votes upon it and when it is ascertained that all of the counters are correctly registering each vote, the counters shall be adjusted to zero (000). The reading of the protective counter shall then be read and recorded. If it is impracticable for a member of representative of the Department of Elections to arrive in time to so adjust such counters before the time set for opening the polls, the election officers shall immediately make a written statement of the number on each counter and shall sign and post the same upon the wall of the polling room where it shall remain throughout the election day, and in filling out the statement of canvass, they shall subtract such number from the number then registered thereon.

Section 80. Title 15, §4914, Delaware Code, is hereby repealed.

Section 81. Title 15, §4932, Delaware Code, is amended to read as follows:

**§4932. Location of election officers within voting room; location and care of voting machine**

(a) The Inspector, Judges and Clerks shall remain in the polling place at all times while the polls are open. They shall locate themselves in a place separate from all other electors.

(b) The election officers shall so place the voting machine and shall seat or locate themselves in such a manner that they can plainly see the ballots on the face of the machine at all times when the machine is not in use by a voter. During the hours for voting, no voting machine shall be hidden, concealed or obscured in any way from the full view of the election officers, the challengers and all electors entering the voting room to cast their ballots. The election officers shall not themselves be, nor permit any other

person to be, in any position which might permit one to observe how an elector has voted.

The election officer attending the machine shall inspect its face after each voter has cast his vote to make certain the ballots on the face of the machine are in proper condition and that the machine has not been harmed in any way. The door of the counter compartment shall not be unlocked or open, or the vote counters exposed at any time. If it shall become necessary for a representative of the Department to open the rear counter compartment door or to expose the counters because of a failure on the voting machine which cannot be repaired otherwise, a statement of this fact shall be written down, signed by the election officers and the Department representative, and submitted to the Department with the election records.

Section 82. Title 15, §4933, Delaware Code, is hereby amended by striking the words "concerned with" where they appear in the last sentence thereof and inserting in lieu thereof the words "necessary to".

Section 83. Title 15, §4938, Delaware Code, is hereby repealed.

Section 84. Title 15, §4939, Delaware Code, is amended to read as follows:

**§4939. Voting procedure**

A voter, upon entering the room where an election is being held, shall announce his name and address, whereupon the Clerks shall place a mark or make a notation of his name upon the poll list.

The Election Officers shall first determine whether the Election District Record contains an original, permanent registration record for the voter. If it appears that the voter is properly registered, an Election Officer shall hand to the voter a Voter Signature Card which the voter shall sign. An Election Officer shall then place the voter's permanent, significant registration number upon the Voter Signature Card unless it is already recorded thereon. Two (2) Election Officers, one (1) from each political party, shall then compare the signature of the voter as it appears

upon the Voter Signature Card with the signature of the voter as it appears upon the voter's original permanent registration record in the Election District Record. If the two (2) Election Officers are not satisfied that the voter who signed the Voter Signature Card is the same voter who signed the voter's original permanent registration record, the voter shall not be permitted to vote.

In the event that the voter is unable to sign a Voter Signature Card for any reason, or in the event that the voter's original permanent registration record is unsigned, or both, the two (2) Election Officers shall determine the identity of the voter by means other than by comparison of signatures. The Election Officers shall then make note of the pertinent facts upon a Voter Signature Card which shall bear the name and permanent significant registration number of the voter.

In the event of a disagreement as to the identity of the voter, his right to vote shall be determined by a majority vote of the Inspector and the two (2) Judges of the election. In the event that the voter is not permitted to vote, his Voter Signature Card shall be marked "not permitted to vote" and signed by two (2) Election Officers, and shall be forwarded to the Department at the same time and in the same manner as other Voter Signature Cards are sent to the Department.

If the voter is not challenged or if a challenge is decided in his favor, one of the Election Officers to be stationed at the entrance of the voting machine shall announce the name of the voter and permit him to pass through the entrance to the booth of the voting machine for the purpose of casting his vote. The Judges shall then cause the original permanent registration record of the voter to be appropriately marked to indicate the voter has voted in the election. No voter shall remain in the voting machine booth longer than three (3) minutes, unless for good and sufficient reason he be granted a longer period of time by the Election Officers in charge. When the voter has cast his vote, the voter shall at once leave the room. If he refuses to leave after a reasonable period, he shall be removed by the Election Officers. No voter, after having entered and emerged from the voting machine booth shall be permitted to re-enter the same on any pretext whatever. Only one (1) voter at a time shall be permitted to enter the voting machine booth. No voter shall hold any conversation or communi-

cate with any other person than an Election Officer while in the voting room, except as otherwise provided in this Title.

Section 85. Title 15, §4944, Delaware Code, is hereby amended by striking the words "receive or deposit in the ballot box the ballot of" where they appear in the first paragraph thereof and inserting in lieu thereof the words "admit to a voting machine".

Section 86. Title 15, §4945, Delaware Code, is hereby amended by inserting the words "Inspector and" before the word "Judges" where it appears therein.

Section 87. Title 15, §4948, Delaware Code, is hereby repealed.

Section 88. Title 15, §4949 (b), Delaware Code, is hereby amended by striking the phrase "being an election officer," where they appear therein.

Section 89. Title 15, §4950, Delaware Code, is hereby amended to read as follows:

**§4950. Assistance for blind and physically disabled voters; instructions for voters**

(a) Any qualified elector who is blind or otherwise physically unable to operate the voting machine or to reach the voting room alone with safety shall be permitted to bring with him into the voting room and the voting machine booth one elector or two electors, if necessary, of his own choosing, in order to receive whatever assistance he may need in order to vote. No voter shall receive any other assistance in voting than that authorized by this subsection.

(b) Any Election Officer may provide instruction or information for a voter through use of one of the sample ballots posted in the voting room.

Whenever a voter requests further instructions in the manner of voting or the operation of the voting machine after having entered the voting machine booth, two Election Officers of opposite political parties shall jointly give such instructions. In

doing so, the officers shall take care not to assist the voter in any manner that might influence his vote. After giving instructions, both officers shall retire before the voter begins to register his vote, which he shall do in secret at all times.

Section 90. Title 15, §4972, Delaware Code, is hereby amended to read as follows:

**§4972. Counting absentee votes**

(a) Any time after all absentee ballots have been voted in accordance with Section 5516 of this Title and securely deposited in a locked ballot box, the Inspector may announce that tabulation of these ballots is to begin. The Inspector shall then openly unlock the ballot box containing the absentee ballots. In the presence of the other election officers and the challengers authorized to be in the voting room, he shall then take the envelopes containing the ballots from the box one by one, and remove the ballot from the envelope. Each of the Judges shall then examine each ballot. They shall then pass the ballot to the Inspector, who shall also examine the ballot. If the ballot is not disputed or disqualified, the Inspector shall then read the office for which voted, starting at the top of the ballot, and then the name of the candidate for whom the vote was cast.

(b) The two Clerks shall keep count of the votes announced by the Inspector by individually marking these votes on separate tally sheets. They shall do so by making a distinct mark with a pen in the squares provided on the tally sheet. Each Clerk, upon making a mark, shall repeat the name of the person voted for. Each square, when full, shall contain five (5) marks. When the Clerk shall make the fifth mark in a square, he shall also call out 'tally', and when he makes the first mark in the next square, he shall call out 'one on the new'.

(c) When all the absentee ballots have been counted, the Clerks shall first compare their tallies and shall then add up the total number of votes cast for each candidate, with the Inspector and Judges observing these procedures.

(d) The total number of votes cast for each candidate for each office shall not be announced whenever the count is made prior to the closing of the polls, but shall be read aloud later after

the count shown on the voting machine is announced. Until that time, the count of absentee ballots shall be kept secret by the Inspector, Judges and Clerks, and any challenger present.

Whoever, being an election officer or any other person having access to the voting room, discloses any or all portions of the count of absentee votes to any persons, other than a fellow election officer of that district, prior to the closing of the polls shall be fined not less than One Hundred Dollars (\$100) and may be imprisoned not more than one (1) year.

Section 91. Title 15, §4973, Delaware Code, is hereby repealed.

Section 92. Title 15, §4974, Delaware Code, is hereby amended by striking subparagraphs "(1)" and "(3)" thereof in their entirety.

Section 93. Title 15, §4974 (5), Delaware Code, is hereby amended to read as follows:

(5) A ballot put in without any marks shall not be counted.

Section 94. Title 15, §4977, Delaware Code, is amended to read as follows:

**§4977. Tabulation of votes shown on voting machine**

As soon as the last voter has left the voting machine booth, the Inspector shall see to it that the machine is locked against further voting by leaving the officers' control lever on the side of the machine in the inactive or 'in' position. The Inspector shall sign the certificate stating that the machine is locked against voting, the number of voters shown on the public counter, the number on the seal, and the number on the protective counter. The other election officers shall witness the filling out of this information.

With the assistance of the Inspector and utilizing the voting machine keys held by them, the Judges shall then open the counting compartments on the front of the machine in the presence of all persons who may lawfully be in the voting room at that time.

The Inspector shall then read in distinct tones the votes recorded on the counters for each office and each candidate. He shall read first each office, starting at the top of the ballot, and shall read across left to right the number of votes cast for each candidate for that office. He shall also read aloud the votes cast on each question on the ballot, in like manner. The Judge of the opposite political party from the Inspector shall stand by him at the front of the machine to verify the counts being called off.

While the Inspector is reading the votes cast, these votes shall be recorded on the individual certificates of election by two (2) Clerks and the Judge of the same political party as the Inspector. The count from each voting machine shall be recorded separately on each certificate.

If not already counted, the absentee ballots shall then be tabulated as provided in Section 4972 of this Title.

Section 95. Title 15, § 4978, Delaware Code, is amended to read as follows:

**§4978. Counting of write-in votes**

After all other votes cast in the election have been tabulated, the Inspector shall unlock the door leading to the paper roll, in the presence of the other Election Officers and any others authorized by law to be in the voting room.

He shall read the number now appearing at the top of the paper roll, in view either immediately or by turning the roll, and cause it to be recorded on the certificates of election. The Judge of the opposite political party shall verify this number. If the number is the same as that recorded at the opening of the polls, then this shall be sufficient evidence that no write-in votes have been cast.

However, if the number is different, then the Inspector shall proceed to remove all that portion of the paper roll which has been voted upon. He shall then spread out the removed section of the paper roll on a table or other flat surface. The lines on the paper roll shall be matched up with a duplicate of the ballot strip placed in the voting machine listing the offices voted for. (If this method is not satisfactory to the Election Officers, the paper roll

may be spread across the face of the machine and its horizontal lines matched with the rows for the offices to be voted for shown on the ballot.)

The Inspector shall then proceed to read distinctly each office voted for, starting from the top of the ballot, and the names of the persons for whom votes were cast. If the name of the person voted for is not clear, the Inspector and two Judges shall examine the paper roll and determine, by majority vote, if necessary, the name to be entered on the certificate of elections. The Judge of the opposite political party shall stand or sit with the Inspector while he reads off the write-in votes to verify the votes cast.

Each Clerk shall enter the name of the person voted for on the separate tally sheet provided for that purpose and shall mark the number of votes cast for each person in the same manner as provided for absentee ballots in Section 4972 of this Title.

After the counting is completed, the Clerks shall compare their tallies and add up the number of votes cast for each person in the presence of the Inspector and Judges. They shall then announce the names of the persons voted for and the total number of votes cast for each person. The paper roll shall be placed in the envelope which shall contain the certificate of elections to be delivered to the Prothonotary.

Section 96. Title 15, §4979, Delaware Code, is hereby amended to read as follows:

**§4979. Persons authorized to be present during the count and tabulation**

Any candidate and any duly accredited challenger may be admitted to the voting room after the closing of the polls to observe the counting and tabulation of votes. Such persons shall be afforded full opportunity to examine the face and counters of the voting machine, the tally sheets for absentee and write-in votes, and the certificates of election after the tabulation is completed.

Section 97. Title 15, §4980, Delaware Code, is hereby amended to read as follows:

**§4980. Certificates of election; tally lists**

(a) When the reading and counting of the votes is completed, the Inspector, Judges and Clerks shall forthwith make and sign three (3) certificates of the election in their election district, according to the form prescribed in Section 4514 of this Title, stating every office for which votes shall have been given at the election, the name of every person to whom any vote shall have been given for such office, and the number of votes given to such person for the office.

(b) Each copy of such certificate shall be put in separate envelopes, which shall be furnished by the Departments of Election, and the envelopes shall be endorsed on the face thereof with the word "Certificate of the votes cast in \_\_\_\_\_, Election District of \_\_\_\_\_, Representative District at the general election in \_\_\_\_\_ County, A. D. \_\_\_\_\_," and on the back of each envelope, after the same shall have been sealed, the Inspector and Judges shall respectively write their name crosswise the sealing.

(c) The tally lists shall be signed by the Inspector, Judges and Clerks. They shall be enclosed and sealed in the envelopes containing the certificates of election to be delivered the night of election day to the Prothonotary and the Department of Elections. The other certificate shall be placed by itself in an envelope and turned over to the Judge of the opposite political party from the Inspector, who shall file this certificate with the Superior Court serving as the Board of Canvass at twelve (12) noon the second day following the election.

Section 98. Title 15, Chapter 49, Delaware Code, is hereby amended by adding thereto the following new section:

**§4981. Delivery of certificates, election records and supplies, voting machines and absentee ballot boxes**

(a) After the close of election, the Inspector shall deliver one of the certificates of election, together with the absentee ballot box and the write-in paper roll, if any, to the Prothonotary of the Superior Court for his county. The Prothonotary shall, at twelve (12) noon on the second day after the election, present

such certificates, paper rolls, ballot boxes, and other pertinent papers to the Court.

If the Inspector of any election district dies or is prevented by sickness or accident from delivering the above-mentioned items to the Prothonotary the night of election day, the certificate of election, absentee ballot boxes, and write-in paper roll, if any, shall be sent by safe and secure conveyance to the Prothonotary on the day following the election, and the Inspector, his executors, administrators, or heirs shall be responsible for such delivery. The same shall apply to the certificate of election, poll lists, election records and supplies which the Inspector is obligated to return to the Department of Elections the night of election day.

(b) At the end of the day of election, each Inspector shall deliver to the office of the Department of Elections of his county these items:

- (1) One certificate of elections
- (2) Poll list
- (3) Oaths (or affirmations) signed by the Election Officers
- (4) The key to the doors of the voting machines or machines used in his election district
- (5) The book, or books, of original permanent registration records provided him as the Election District Record
- (6) All voter signature cards provided by the Department
- (7) All tally sheets
- (8) All other supplies provided him by the Department, including the flag of the United States of America and the polling place flag

All certificates, poll lists, oaths (or affirmations), voter signature cards, tally sheets and other records of the election shall

be filed in the Department of Elections for not less than one (1) year following the election, shall be public records and, as such, admissible as evidence.

Section 99. Title 15, Chapter 49, Delaware Code, is further amended by adding thereto the following new section:

**§4982. Return and custody of voting machines and keys**

(a) After the final and complete tabulation of the vote has been ended by the Election Officers, and no sooner, the Inspector shall lock the front door and the paper roll door of each voting machine. These doors shall remain locked unless and until authorized otherwise by this Title. He shall then place the appropriate key in an envelope supplied by the Department of Elections on which shall be written the number of the machine, the number of the seal and the number registered on the protective counter and on the write-in paper roll and the election and representative district where used. This envelope containing the key shall be returned to the Department of Elections immediately following the close of the election, as provided in Section 4981 (b) of this Title.

No unauthorized person shall have in his possession any key of any voting machine and any persons entrusted with such keys for election purposes shall not retain them any longer than necessary to comply with the provisions of this Title.

(b) Immediately after the election, and as soon as practicable, the voting machines and absentee ballot boxes shall be stored in some safe and secure place provided by the Department of Elections. While the Board of Canvass is conducting its canvass of the vote, the machines and ballot boxes shall be in the custody of the Prothonotary. While in his custody, the voting machines and the absentee ballot boxes may be opened and examined by order of the Board of Canvass or any other court of competent jurisdiction.

(c) After the Board of Canvass has completed its canvass of the vote, the Prothonotary shall turn custody of the voting machine and absentee ballot boxes over to the Department of Elections. The Department shall leave the machines and ballot boxes undisturbed and locked until the following February 1.

During this period, the machines and ballot boxes may be opened for inspection by any duly authorized member or agent of the General Assembly or the Attorney General. After February 1, the Department shall be free to unlock, clean out, inspect and repair any voting machine or absentee ballot box.

Section 100. Title 15, Chapter 49, Delaware Code, is further amended by adding thereto the following new section:

**§4983. Duties of Department of Elections and Election Commissioner following an election**

Immediately following an election the Department shall take each voter signature card and compare it with the voter's original permanent registration record in the Election District Record to determine whether the Election Officers have properly noted that the voter voted at the election and have properly compared the signature on the voter signature card with that on the original permanent registration record in the Election District Record. The Department shall cause a proper notation to be made upon the duplicate permanent registration record in the County Master Record of the fact that the voter has voted in the election. The Department shall notify the Commissioner of the names of each voter who voted in the election and the Commissioner shall indicate on the elector's record in the Commissioner's files that the elector has voted in the election.

Voter signature cards and all other forms and records not of a permanent nature, which are used in the conduct of an election, shall be retained by the Department for not less than one (1) year following the election. The Commissioner may require that the Department send the voter signature cards used in the election to the Commissioner to carry out his duties under this section. In such event, the Commissioner shall return the voter signature cards to the Department not more than six (6) months following their delivery to the Commissioner.

Section 101. Title 15, §5001, Delaware Code, is hereby repealed.

Section 102. Title 15, §5004, Delaware Code, is hereby amended by striking the word "Board" where it appears therein and inserting in lieu thereof the word "Department".

Section 103. Title 15, Chapter 50, Delaware Code, is hereby amended by adding thereto a new section to read as follows:

**§ 5006. Number of voting machines per election district**

In all elections, every election district or polling place shall be supplied with at least one (1) voting machine for every six hundred (600) registered voters or a majority fraction thereof.

Section 104. Title 15, § 5011, Delaware Code, is hereby repealed.

Section 105. Title 15, § 5012 (c), Delaware Code, is hereby amended by striking the next-to-the-last sentence thereof in its entirety, and inserting in lieu thereof the following sentence:

The Department of Elections shall certify the numbers of the machines, that all of the counters are set at zero (000), and the numbers registered on the protective counter, on the seal, and on the write-in paper roll.

Section 106. Title 15, § 5012 (d), Delaware Code, is hereby amended by inserting the words "on the write-in paper roll," after the words "on the protective counter," where they appear therein.

Section 107. Title 15, § 5016, Delaware Code, is hereby repealed.

Section 108. Title 15, § 5017, Delaware Code, is hereby repealed.

Section 109. Title 15, § 5020, Delaware Code, is hereby repealed.

Section 110. Title 15, § 5021, Delaware Code, is hereby repealed.

Section 111. Title 15, § 5022, Delaware Code, is hereby repealed.

Section 112. Title 15, § 5023, Delaware Code, is hereby repealed.

Section 113. Title 15, §5024, Delaware Code, is hereby repealed.

Section 114. Title 15, §5025, Delaware Code, is hereby repealed.

Section 115. Title 15, §5026, Delaware Code, is hereby repealed.

Section 116. Title 15, §5027, Delaware Code, is hereby repealed.

Section 117. Title 15, §5028, Delaware Code, is hereby repealed.

Section 118. Title 15, §5114, Delaware Code, is hereby repealed.

Section 119. Title 15, §5115, Delaware Code, is hereby amended by striking the words "Clerk of the Peace" wherever they appear therein and inserting in lieu thereof the words "Department of Elections".

Section 120. Title 15, §5117, Delaware Code, is hereby amended to read as follows:

**§ 5117. Tampering with election supplies or voting machines prior to opening of election**

Whoever, before the opening of the election, registers any vote on a voting machine or at any time tampers with, disarranges, defaces, impairs in any manner, or destroys a voting machine or any part thereof, including the ballots on its face, shall be fined not less than Three Hundred Dollars (\$300) nor more than Five Hundred Dollars (\$500) and may be imprisoned not less than one (1) nor more than two (2) years.

Section 121. Title 15, §5119 (c), Delaware Code, is hereby amended by striking the words "Section 4934" where they appear therein and inserting in lieu thereof the words "Section 3166 and 4934".

Section 122. Title 15, §5501, Delaware Code, is hereby amended to read as follows:

**§5501. Purpose of chapter**

The purpose of this chapter is that those qualified electors of this State who shall be unable to appear to cast their ballots at the polling place of their election district at any general election may be able to cast such a ballot to be counted in the election district if such a privilege has been granted them by Article V, Section 4 A, Constitution of the State of Delaware.

Section 123. Title 15, §5503, Delaware Code, is hereby amended to read as follows:

**§5503. Persons eligible to vote by absentee ballot**

Any qualified elector of this State, duly registered, may cast his vote by absentee ballot in any general election, such vote to be counted in the total for the election district in which he is registered, if he is unable to appear at the regular polling place of his election district because of being:

- (1) In the public service of the United States or of this State, or
- (2) In the Armed Forces of the United States or the Merchant Marine of the United States, or attached to and serving with the Armed Forces of the United States in the American Red Cross, Society of Friends, or United Service Organizations, or
- (3) Unavoidably absent from the county in which he resides on the day of the general election, or
- (4) Sick or physically disabled.

Section 124. Title 15, §5504 (a), Delaware Code, is hereby amended by inserting the words "by the elector and" before the words "by a person authorized to practice medicine" where they appear in the first sentence thereof.

Section 125. Title 15, §5504 (b), Delaware Code, is hereby amended to read as follows:

(b) Any elector desiring to receive an absentee ballot because he qualifies under any of the other reasons set forth in Section 5503 of this Title shall file an affidavit with the Department of Elections for that county, subscribed and sworn to by him before an officer authorized by law to administer oaths. The affidavit shall be dated not more than thirty (30) days prior to the day of election. It shall state the reason why he cannot appear at the regular polling place for his election district on the day of election, his expected location, including his address and a telephone number (if available) to be used for purpose of challenge on election day. The Department shall mail or deliver the official ballot, envelopes, and instructions to the elector as soon as possible after receiving the affidavit.

Section 126. Title 15, §5504, Delaware Code, is hereby further amended by adding thereto a new paragraph to read as follows:

(c) Nothing contained in this section shall prevent the issuance of an absentee ballot to any qualified elector serving in the Armed Forces of the United States, or the Merchant Marine of the United States, or attached to and serving with the Armed Forces of the United States in the American Red Cross, Society of Friends or United Service Organizations when such an elector is lawfully entitled to an absentee ballot and has made a request to the Department of Elections for the county in which he resides if, in the judgment of the Department, the elector has been reasonably unable to comply fully with the requirements for an affidavit set forth in subsection (b) above.

Section 127. Title 15, §5505 (b), Delaware Code, is hereby repealed.

Section 128. Title 15, §5507, Delaware Code, is hereby amended by striking the paragraph in its entirety that begins with the words "That I will be absent from said County" and inserting in lieu thereof the following paragraph:

"That I will be absent from my election district on the day of election because of being ( ) In the public service of the United States or this State, ( ) In the Armed Forces of the United States or the Merchant Marine of the United States, in the American Red Cross, Society of Friends, or the United Service Organization, ( )

Unavoidably absent from the county, ( ) Sick or physically disabled. For the reason indicated, I cannot appear at the polling place in the election district in which I am a qualified elector. I further swear (affirm) that I marked my ballot in secret.

Section 129. Title 15, §5511, Delaware Code, is hereby amended by striking the words "President or the Secretary of the" where they appear therein.

Section 130. Title 15, § 5512 (c), Delaware Code, is hereby amended to read as follows:

(c) Any person authorized by the Department of Elections to do so shall immediately place the unopened voucher envelope in a special carrier envelope and securely seal the carrier envelope, which shall be kept safely in the Department office until delivered as provided in this Chapter.

Section 131. Title 15, § 5512 (d), Delaware Code, is hereby repealed.

Section 132. Title 15, §5513, Delaware Code, is hereby amended by striking the word "Secretary" where it appears therein and inserting in lieu thereof the words "Administrative Director".

Section 133. Title 15, § 5515, Delaware Code, is hereby amended by striking all the words that follow the words "or a duly deputized agent" and inserting a period after said word "agent".

Section 134. Title 15, §5516, Delaware Code, is hereby amended by adding the following sentence at the end of the second paragraph thereof: "The Judges shall see to it that a voter signature card marked with the absentee voter's name and permanent significant registration number and bearing a notation that the person has voted absentee shall be placed with the voter signature cards of all those persons who have cast their ballot on the voting machine."

Section 135. Title 15, § 5517, Delaware Code, is hereby amended to read as follows:

**§ 5517. Challenges**

The vote of any absentee voter may be challenged for the same causes and in the same manner as provided in this Title for other voters. In addition, the vote of an absentee voter may be challenged on the ground that the affidavit filed by the voter in compliance with Section 5504 of this Title is false. Upon challenge, proceedings thereon shall be as provided elsewhere in this Title.

Section 136. Title 15, § 5522, Delaware Code, is hereby amended to read as follows:

**§ 5522. File of absentee voters**

The Department of Elections of each county shall maintain records providing for the prevention of fraud and to make possible the tracing and detection of any attempt to do so. Such records shall include the following entries: Name of Elector; Address at which he is registered; Address where ballot is to be mailed; date affidavit received in Department; the election and representative district; Voucher number; date ballot mailed or delivered to the elector; date ballot is returned; the names of any physicians executing affidavits for sick or disabled persons; and the names of all officers administering oaths for all affidavits received.

The Departments shall compile from their files a list of names and addresses of all applicants for absentee ballots, and shall send current and complete copies thereof without cost to all political parties with candidates on the ballot in the forthcoming election. Such lists shall be provided no later than two (2) weeks prior to the date of the election and copies of the lists must be mailed on the same date to the respective chairmen of each political party involved in the election. Comparable information from the file shall also be made available to representatives of all political parties at the office of each Department during the remaining two (2) weeks before the election, such information to be recorded by such representatives from the daily records of the Departments with the cooperation and assistance of the employees of the Departments.

Section 137. Title 15, § 5524 (c), Delaware Code, is hereby amended to read as follows:

(c) Whoever fraudulently signs the name of a voter to the affidavit on any voucher envelope shall be guilty of forgery and shall be punished for such crime as by law provided.

Section 138. Title 15, §5710, Delaware Code, is hereby repealed.

Section 139. Title 15, §5715, Delaware Code, is hereby repealed.

Section 140. Title 15, §5716, Delaware Code, is hereby repealed.

Section 141. Title 15, §7106, Delaware Code, is hereby amended by striking the first paragraph thereof and inserting in lieu thereof the following paragraph:

The Department of Elections, upon receiving a writ of election, shall notify each Inspector, Judge of Election, and Clerk of Election of each election district within such Representative or Senatorial District in which such election is to be held.

Section 142. Title 15, §7305, Delaware Code, is hereby amended by striking the words "deliver the proclamation to" and inserting in lieu thereof the word "notify".

Section 143. Title 15, §7526, Delaware Code, is hereby amended by striking all the words that follow the words "to make a nomination to fill such vacancy" and inserting a period (.) after said word "vacancy".

Section 144. Title 15, §3173, Delaware Code, is hereby amended by striking said §3173 in its entirety, and inserting in lieu thereof the following new §3173:

#### **§3173. Certification of results**

Each judge shall record on a certificate furnished for that purpose the total vote cast for each candidate in the election district. Both certificates shall then be signed by the Inspector, Judges and Clerks and sealed in an envelope, which shall be signed across its sealed fold by each election officer. This envelope,

together with other required records and supplies, shall immediately be delivered to the Department of Elections by the Inspector.

Section 145. Title 15, § 3174, Delaware Code, is hereby amended by striking said § 3174 in its entirety, and inserting in lieu thereof the following new § 3174:

**§ 3174. Calculation of votes; ties**

(a) The Department of Elections shall forthwith calculate the total number of votes cast for each candidate in any contest held within its county and certify the candidate, or candidates, receiving the highest number of votes. In cases of state-wide contests, the Department shall report the results to the State Election Commissioner.

(b) In the case of any objection or dispute, the Board of Elections for the county involved shall convene within forty-eight (48) hours of the closing of the polls to examine the matter, reviewing such records and hearing such testimony as it shall deem necessary. The Board shall determine the result of the contested election and certify the name of the winning candidate, or candidates. In the case of state-wide contests, the State Election Commissioner shall be immediately notified of the Board's determination.

(c) In all cases of a tie vote, the Department shall immediately notify the Chairman and Secretary of the County Committee of the political party holding the primary election. This Committee shall convene within five (5) days of such notification to determine which candidate shall be entitled to the nomination.

(d) In cases where there is a tie vote in a state-wide contest, the State Election Commissioner shall immediately notify the Chairman and Secretary of the State Committee of the political party involved, and that Committee shall convene within five (5) days, as provided above, to decide upon the nomination.

Approved June 25, 1971.

## CHAPTER 149

FORMERLY SENATE SUBSTITUTE NO. 1  
FOR SENATE BILL NO. 334**AN ACT TO AMEND PART IV, CHAPTER 21, TITLE 5, OF  
THE DELAWARE CODE, RELATING TO SMALL LOANS,  
AND PROVIDING FOR AN INCREASE IN THE MAXIMUM  
RATE OF INTEREST CHARGEABLE UPON SUCH  
LOANS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend paragraph (a), Section 2108, Chapter 21, Title 5, of the Delaware Code, by striking the third sentence in its entirety, and substituting in lieu thereof the following sentence:

Any such lender may charge in advance the maximum rate of interest of nine per cent (9%) upon the entire amount of the loan, such discounted loans to be limited to three years and thereafter bear interest at six per cent (6%) charged in advance for any remainder of the term of the contract; such discounted loans to be limited to three years if less than \$1,500, five years if \$1,500 or over but less than \$5,000, and seven years if over \$5,000, and may make such loan repayable in weekly, monthly or other periodic installments, with the right of the lender to declare the entire unpaid balance due and payable in the event of default in the payment of any installment for a period of thirty days; and the lender may also charge an investigation fee or make a service charge of not exceeding 2% of the amount of any loan made pursuant to this section.

Approved June 25, 1971.

CHAPTER 150

FORMERLY SENATE BILL NO. 422

**AN ACT TO AMEND CHAPTER 51 OF TITLE 30, DELAWARE CODE, RELATING TO EXPENDITURES OF FUNDS BY MUNICIPALITIES; RECORDS, AUDITS AND REGULATIONS OF MUNICIPALITIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 5165 (b) 4, Subchapter IV, Chapter 51, Title 30, of the Delaware Code, by adding thereto a new sentence to read as follows:

Provided, that for purposes of this subchapter, the population of a municipality which is a summer resort shall be deemed to include all property owners entitled to vote in a municipal election.

Approved June 25, 1971.

## CHAPTER 151

## FORMERLY SENATE BILL NO. 439

**AN ACT TO AMEND SECTION 5127, TITLE 16, DELAWARE CODE, RELATING TO DELAWARE STATE HOSPITAL, LIABILITY FOR MAINTENANCE OF PATIENT, COLLECTION REMEDIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5127, Title 16, Delaware Code, is hereby amended as follows: In sub-section (d) thereof by repealing the words "the Superior Court" and substituting in lieu thereof: "any Court of competent jurisdiction".

Approved June 25, 1971.

CHAPTER 152

FORMERLY SENATE BILL NO. 443

**AN ACT TO AMEND SECTION 5506, TITLE 16, DELAWARE CODE, RELATING TO HOSPITAL FOR THE MENTALLY RETARDED AT STOCKLEY, DELAWARE, LIABILITY FOR MAINTENANCE OF PATIENT, COLLECTION REMEDIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5506, Title 16, Delaware Code, is hereby amended as follows: In sub-section (d) thereof by repealing the words "the Superior Court" and substituting in lieu thereof: "any Court of competent jurisdiction".

Approved June 25, 1971.

## CHAPTER 153

## FORMERLY SENATE BILL NO. 444

**AN ACT TO AMEND SECTION 5325, TITLE 16, DELAWARE CODE, RELATING TO GOVERNOR BACON HEALTH CENTER, LIABILITY FOR MAINTENANCE OF PATIENT, COLLECTION REMEDIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5325, Title 16, Delaware Code, is hereby amended as follows: In sub-section (c) thereof by repealing the words "the Superior Court of the State" and substituting in lieu thereof: "any Court of competent jurisdiction".

Approved June 25, 1971.

CHAPTER 154

FORMERLY HOUSE SUBSTITUTE NO. 1  
FOR HOUSE BILL NO. 30  
AS AMENDED BY HOUSE AMENDMENTS NO. 4 AND 5  
AND SENATE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 16, DELAWARE CODE, CHAPTER  
10, RELATING TO REPORTING OF CASES OF ABUSE TO  
CHILDREN.**

WHEREAS, there are many children in the State of Delaware who are victims of abuse and neglect; and

WHEREAS, there is a compelling need to discover and identify such children; and

WHEREAS, it is in the interests of all the people of Delaware to provide a means whereby such children may be readily identified and protected;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each branch thereof concurring therein):*

Section 1. Title 16, Delaware Code, Chapter 10, is amended by striking the existing chapter and inserting in lieu thereof a new chapter to read as follows:

**"CHAPTER 10. ABUSE TO CHILDREN**

**§ 1001. Purpose**

It is the purpose of this chapter to provide for comprehensive protective services for abused, neglected, exploited and abandoned children found in the State of Delaware by requiring that reports of such children be made to the appropriate public authorities in an effort to prevent further abuse, neglect or injury and to assist those children and their parents or those persons legally responsible for them in their own homes to aid in overcoming the problems leading to the abuse, neglect and exploitation, thereby

strengthening parental care and supervision and enhancing their welfare and preserving the family life whenever feasible.

#### **§ 1002. Reports required**

Any physician, and any other person in the healing arts, including any person licensed to render services in medicine, osteopathy, dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner or any other person who has reasonable cause to believe that a person who is chronologically under the age of 18 years or appears to be mentally retarded and has had serious physical injury inflicted upon him by other than accidental means, or whose physical or emotional condition gives indication of other serious abuse, or maltreatment, mistreatment, or non-treatment shall make a report in accordance with the provisions of section 1003 of this chapter.

#### **§ 1003. Nature and content of report; to whom made**

Any report required to be made under this Act shall be made to the Division of Social Services of the Department of Health and Social Services and if the person making such a report deems it necessary, that person may also make such report to the local law enforcement agency. An immediate oral report shall be made by telephone or otherwise. Reports and the contents thereof including a written report, if requested, shall be made in accordance with the rules and regulations of the Division of Social Services.

#### **§ 1004. Duties of the receiving agency**

(a) Upon receipt of a report submitted pursuant to this chapter, the Division of Social Services shall immediately investigate and take necessary action and shall offer protective social services toward preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected person, and preserving family life whenever possible. In performing any of these duties the Division may utilize the facilities of any State or private agencies that are available and, whenever removal of the abused or neglected person appears necessary, shall file an appropriate petition seeking removal of such person from the custody of his parent, guardian or other adult with whom he is living and authorization to place such person in a suitable facility. If the injury or abuse of such person is so serious that criminal

prosecution is indicated, the Division shall, in addition to taking such action under this section as it deems necessary, report its findings to the Department of Justice and the Family Court, or to the police.

(b) The Division shall establish in each county a registry of child protection for the purpose of maintaining a registry of information concerning each case of abuse required to be reported in said county by this chapter. The files shall be confidential subject to the rules and regulations adopted by the Division.

(c) The Division shall keep in the manner prescribed and on forms furnished by it such information as shall be necessary in order to maintain a statewide central register of all reports made in the State.

#### **§ 1005. Immunity from liability**

Anyone participating in good faith in the making of a report pursuant to this chapter shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed and such immunity shall apply to any participation in any judicial proceeding resulting from such report.

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered a neglected child for purposes of this chapter.

#### **§ 1006. Evidence not privileged**

The physician-patient privilege, husband-wife privilege, or any privilege except the attorney-client privilege, provided for by professions such as the practice of social work or nursing covered by law or a code of ethics regarding practitioner-Client confidences, both as they relate to the competency of the witness and to the exclusion of evidence, shall not pertain in any civil or criminal litigation in which a person's neglect, abuse, dependency, exploitation or abandonment is in issue nor in any judicial proceeding resulting from a report submitted pursuant to this chapter.

**§ 1007. Penalty**

Whoever knowingly and wilfully violates any of the provisions of this chapter may be fined not more than one hundred dollars (\$100) and/or be imprisoned not more than fifteen (15) days.

Section 2. If any provision of this Act, or of any rule, regulation or order thereunder or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act and the application of such provisions of this Act or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Section 3. Any action, case, prosecution, trial or any other legal proceeding in progress under or pursuant to the prior law, amended by this Act, no matter what the stage of the proceedings, shall be preserved and shall not become illegal or terminated upon the effective date of this Act. For purposes of such proceedings in progress the prior law shall remain in full force and effect.

Approved June 25, 1971.

CHAPTER 155

FORMERLY HOUSE BILL NO. 123  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND PART III, CHAPTER 23, TITLE 30 OF  
THE DELAWARE CODE PROVIDING AN EXEMPTION  
FROM PAYMENT OF FEES REQUIRED TO OBTAIN  
OCCUPATIONAL LICENSES FOR NON-PROFIT NURS-  
ING, REST OR CONVALESCENT HOMES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 2301, Chapter 23, Title 30, Delaware Code, is amended by adding thereto new paragraphs (i) and (j) to read as follows:

(i) Any person, organization, or corporation which is a nonprofit charitable, religious, educational or civic organization and which operates a nursing, rest or convalescent home shall be exempt from any license under this chapter.

(j) For purposes of subsection (i), a "nonprofit charitable, religious, civic or educational organization" is defined as a corporation or trust created for charitable, religious, civic or educational purposes, no part of the net earnings of which inures to the benefit of any private stockholder or individual.

Section 2. The provisions of this Act shall become effective on July 1, 1971.

Approved June 25, 1971.

## CHAPTER 156

## FORMERLY HOUSE BILL NO. 143

**AN ACT RELATING TO A PENSION FOR JOSEPH A. BRADSHAW, FORMER EXECUTIVE DIRECTOR OF THE EMPLOYMENT SECURITY COMMISSION.**

WHEREAS, Joseph A. Bradshaw in 1961 was appointed Chairman of the Employment Security Commission and as such also served as the Executive Director of said Commission; and

WHEREAS, at that time Joseph A. Bradshaw was entitled to a pension as an employee of the Wilmington Board of Education; and

WHEREAS, subsequently Joseph A. Bradshaw as Executive Director of the Employment Security Commission made contributions to the pension fund; and

WHEREAS, he has been an employee of the State of Delaware for a period of 42.3 years; and

WHEREAS, he has been denied credit for salary received as Chairman of the Employment Security Commission, notwithstanding the fact that as the Executive Director of said Commission he was also an employee of the Commission and for a period of time made contributions to the pension fund as a covered employee;

**NOW, THEREFORE,**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 29, Chapter 55, Delaware Code, for the sole purpose of permitting the State of Delaware to give Joseph A. Bradshaw credit for salary received as Executive Director and salary received as Chairman of the Employment Security Commission and that the State Treasurer of the State of Delaware be instructed to give Joseph A. Bradshaw credit for such salaries and to recalculate his pension to allow for said credit.

Approved June 25, 1971.

CHAPTER 157

FORMERLY HOUSE BILL NO. 168

**AN ACT TO AMEND TITLE 3, CHAPTER 21, DELAWARE CODE REGULATING THE SALE AND DISTRIBUTION OF COMMERCIAL FERTILIZERS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 21, Title 3, Delaware Code, is hereby repealed and in lieu thereof a new Chapter 21, Title 3, Delaware Code, is hereby enacted as follows:

**"CHAPTER 21. COMMERCIAL FERTILIZERS AND SOIL CONDITIONERS**

**§2101. Title**

This Act shall be known as the Delaware Commercial Fertilizer and Soil Conditioner Law of 1971.

**§ 2102. Enforcing agency; State Department of Agriculture**

This Act shall be administered by the State Department of Agriculture of the State of Delaware, hereinafter referred to as the Department.

**§2103. Definitions of words and terms**

When used in this Act:

(a) The term "commercial fertilizer" means any substance containing one or more recognized plant nutrient(s) which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes and gypsum, and other products exempted by regulation of the Secretary.

(1) A "fertilizer material" is a commercial fertilizer which either:

A. Contains important quantities of no more than one of the primary plant nutrients (nitrogen, phosphoric acid and potash), or

B. Has approximately 85% of its plant nutrient content present in the form of a single chemical compound, or

C. Is derived from a plant or animal residue or by-product or a natural material deposit which has been processed in such a way that its content of primary plant nutrients has not been materially changed except by purification and concentration.

(2) A "mixed fertilizer" is a commercial fertilizer containing any combination of mixture of fertilizer materials.

(3) A "Specialty fertilizer" is a commercial fertilizer distributed primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries.

(4) A "bulk fertilizer" is a commercial fertilizer distributed in a non-packaged form.

(b) The term "brand" means a term, design, or trademark used in connection with one or several grades of commercial fertilizer.

(c) The term "Department" means State Department of Agriculture.

(d) The term "Secretary" means the Secretary of the State Department of Agriculture or his duly authorized delegates.

(e) The term "open formula" means mixed fertilizer labeled so as to show in addition to requirements of Section 2105 the name and grade of materials and the quantity of each used per ton in compounding or mixing.

(f) The term "soil conditioner" means any substance or mixture of substances imported, manufactured, prepared or sold for manurial soil-enriching or soil-corrective purposes or intended to be used for promoting or stimulating the growth of plants, increasing the productivity of plants, improving the quality of

crops, or producing any chemical or physical change in the soil, except commercial fertilizer as defined in this chapter, and unmanipulated animal and vegetable manures, agricultural liming materials and gypsum.

(g) Guaranteed Analysis:

(1) Until the Department prescribes the alternative form of "guaranteed analysis" in accordance with the provisions of Section 2103 (g) (2) hereof, the term "guaranteed analysis" shall mean the minimum percentage of plant nutrients claimed in the following order and form:

- A. Total Nitrogen (N) ..... — percent  
 Available Phosphoric Acid ( $P_2O_5$ ) ..... — percent  
 Soluble Potash ( $K_2O$ ) ..... — percent

B. For unacidulated mineral phosphatic materials and basic slag, bone, tankage and other organic phosphate materials, the total phosphoric acid and/or degree of fineness may also be guaranteed.

C. Guarantees for plant nutrients other than nitrogen, phosphorus and potassium may be permitted or required by regulation of the Secretary. The guarantees for such other nutrients shall be expressed in the form of the element. The sources of such other nutrients (oxides, salt, chelates, etc.) may be required to be stated on the application for registration and may be included as a parenthetical statement on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the Secretary and with the advice of the Director of the Agricultural Experiment Station. When any plant nutrients or other substances or compounds are guaranteed, they shall be subject to inspection and analysis in accord with the methods and regulations prescribed by the Secretary.

D. Potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton, when required by regulation.

(2) When the Secretary finds, after public hearing following due notice, that the requirement for expressing the guaranteed

analysis of phosphorus and potassium in elemental form would not impose an economic hardship on distributors and users of fertilizer by reason of conflicting labeling requirements among the states, he may require by regulation thereafter that the "guaranteed analysis" shall be in the following form:

Total Nitrogen (N) .....	___ percent
Available Phosphorus (P) .....	___ percent
Soluble Potassium (K) .....	___ percent

Provided, however, that the effective date of said regulation shall be not less than six months following the issuance thereof; and provided, further, that for a period two years following the effective date of said regulation the equivalent of phosphorus and potassium may also be shown in the form of phosphoric acid and potash; provided, however, that after the effective date of a regulation issued under the provisions of this section, requiring that phosphorus and potassium be shown in the elemental form, the guaranteed analysis for nitrogen, phosphorus, and potassium shall constitute the grade.

(h) The term "grade" means the percentage of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash stated in whole numbers in the same terms, order and percentages as in the guaranteed analysis. Provided, however, that fertilizer materials, bone meal, manures, and similar raw materials may be guaranteed in fractional units.

(i) The term "official sample" means any sample of commercial fertilizer or soil conditioner taken by the Secretary or his agent and designated as "official" by the Secretary.

(j) The term "ton" means a net weight of two thousand pounds avoirdupois.

(k) The term "percent" or "percentage" means the percentage by weight.

(l) The term "person" includes individual, partnership, association, firm, and corporation.

(m) The term "distributor" means any person who imports, consigns, manufactures, produces, compounds, mixes, or blends

commercial fertilizer, or soil conditioner, or who offers for sale, sells, barter or otherwise supplies commercial fertilizer or soil conditioner in this State.

(n) The term "registrant" means the person who registers commercial fertilizer or soil conditioner under the provisions of this Act.

(o) The term "label" means the display of all written, printed or graphic matter upon the immediate container or statement accompanying a commercial fertilizer or soil conditioner.

(p) The term "labeling" means all written, printed or graphic matter, upon or accompanying any commercial fertilizer or soil conditioner or advertisements, brochures, posters, television and radio announcements used in promoting the sale of such commercial fertilizers or soil conditioners.

#### **§2104. Registration**

(a) Each brand and grade of commercial fertilizer shall be registered before being distributed in this State. The application for registration shall be submitted to the Department on form furnished by the Department, and shall be accompanied by a fee of \$1.00 per brand and grade, except those fertilizers sold in packages of 10 pounds or less shall be registered at a fee of \$25.00 each. Upon approval by the Department, a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year. The application shall include the following information:

- (1) The net weight.
- (2) The brand and grade.
- (3) The guaranteed analysis.
- (4) The name and address of the registrant.

(b) Each soil conditioner before being distributed in the State will be registered. The application for this registration will include a label or facsimile thereof for said material, and the

Department may require proof to substantiate claims made for the material.

(c) Notwithstanding subparagraphs (a) and (b) of this section, a distributor shall not be required to register any commercial fertilizer or soil conditioner which is already registered under this Act by another person, providing the label does not differ in any respect.

(d) Also, notwithstanding any other provision of this section, a distributor shall not be required to register each grade of commercial fertilizer or soil conditioner formulated according to specifications which are furnished by a consumer prior to mixing, but shall be required to register his firm in a manner and at a fee as prescribed in Department regulations and to label such fertilizer as provided in Section 2105 (b).

(e) All amendments to the terms of registration or application therefor are subject to fees specified in subsection (a) hereof and Section 2106.

#### **§2105. Labels**

(a) Any commercial fertilizer distributed in this State in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the information required by Section 2104 (a) (1), (2), (3), and (4) of this Act. In case of bulk shipments, this information in written or printed form shall accompany delivery and be supplied to the purchaser at the time of delivery.

(b) A commercial fertilizer formulated according to the open formula method according to specifications furnished by a consumer prior to mixing shall be labeled to show the net weight, guaranteed analysis of each ingredient, and the name and address of the distributor; and after mixing, the guaranteed analysis on the label is to be determined by percentage of weight of a ton the same as is defined under grade in Section 2103 (h) of this chapter.

#### **§2106. Inspection fees and tonnage reports**

(a) There shall be paid to the Department for all commercial fertilizers or soil conditioners distributed in this State an

inspection fee at the rate of 10 cents per ton: Provided that sales to manufacturer or exchanges between them are hereby exempted. Fees so collected shall be paid to the Department, which shall deposit the same in the General Fund.

On individual packages of commercial fertilizer or soil conditioners containing 10 pounds or less, there shall be paid in lieu of the annual registration fee of \$1.00 per brand and grade and the 10 cents per ton inspection fee, an annual registration fee and inspection fee of \$25.00 for each brand and grade of fertilizer and soil conditioners sold or distributed. Where a person sells commercial fertilizer or soil conditioners in packages of 10 pounds or less and in packages over 10 pounds, this annual registration and inspection fee of \$25.00 shall apply only to that portion sold in packages of 10 pounds or less, and that portion sold in packages over 10 pounds shall be subject to the same inspection fee of 10 cents per ton as provided in this Act.

(b) Every person who distributes a commercial fertilizer or soil conditioner in this State shall file with the Department on forms furnished by the Department a semi-annual statement for the periods ending December 31, and June 30, setting forth the number of net tons of each commercial fertilizer or soil conditioner distributed in this State during that period. The report shall be due on or before the last day of the month following the close of each period and with such statement the inspection fee shall be filed according to the rate set forth in Section 2106 (a) of this chapter.

If the tonnage report is not filed and the payment of inspection fee is not made within 30 days after the end of each period, a surcharge amounting to 10 percent (Minimum \$10.00) per month of the amount shall be assessed against the registrant, and the Department shall have a lien against the registrant for the amount owed, including surcharge.

(c) When more than one person is involved in the distribution of a commercial fertilizer or soil conditioner, the last person who has the fertilizer or soil conditioner registered and who distributes to a nonregistrant (dealer or consumer) is responsible for reporting the tonnage and paying the inspection fee, unless the report and payment have already been submitted by a prior distributor of a fertilizer or soil conditioner.

(d) No information furnished the Department under this section shall be disclosed publicly in such a way as to divulge confidential information about the business operation of anyone.

#### **§2107. Inspection, sampling, analysis**

(a) It shall be the duty of the Secretary to sample, inspect, and test commercial fertilizers or soil conditioners distributed within this State at any time and place and to such an extent as he may deem necessary to determine whether such commercial fertilizers or soil conditioners are in compliance with the provisions of this chapter. The Secretary, individually or through his agent, is authorized to enter upon any public or private premises or carriers during regular business hours in order to have access to commercial fertilizers or soil conditioners subject to the provisions of this chapter and the rules and regulations pertaining thereto, and to the records relating to their distribution: Provided, however, that the action of the Secretary or his agent hereunder shall be with the consent of the person having control over the property in which such fertilizer or soil conditioner is kept, and if without such consent, then the Secretary or his agent is to obtain a valid search warrant therefor, specifying the premises to be searched and the purpose of the search, and setting forth probable cause.

(b) The methods of analysis and sampling shall be those adopted by the Secretary from sources such as the Association of Official Analytical Chemists.

(c) The Secretary, in determining for administrative purposes whether any commercial fertilizer is deficient in plant food, shall be guided solely by the official sample as defined in Section 2103 (i), and obtained and analyzed as provided for in (b) of this section.

(d) The results of official analysis of commercial fertilizers or soil conditioners and portions of official samples shall be distributed by the Secretary as provided in the regulations.

#### **§2108. Plant food deficiency**

(a) If analysis shows that a commercial fertilizer is deficient in one or more of its guaranteed primary plant foods (NPK)

beyond the "investigational allowances" as established by published regulation, or if the over-all index value of the fertilizer is below the level established by regulation, a penalty of two times the commercial value (as defined in Section 2109) of such deficiency(s) shall be assessed.

(b) Deficiencies beyond the investigational allowances as established by regulation as provided in subsection (a) of this section in any other constituent(s) covered under Section 2103 (g) B, C, and D of this chapter, which the registrant is required to or may guarantee, shall be evaluated and penalties prescribed therefor by the Secretary by published regulation.

(c) All penalties assessed under this section shall be paid to the consumer of the lot of commercial fertilizer represented by the sample analyzed within three months after the date of notice from the Secretary to the registrant, receipts taken therefor and promptly forwarded to the Secretary. If said consumers cannot be found, the amount of the penalty shall be paid to the Department, which shall deposit same in the General Fund.

#### § 2109. Commercial value

For the purpose of determining the commercial values to be applied under the provisions of Section 2108, the Secretary shall determine and publish annually the values per unit of nitrogen, available phosphoric acid, and soluble potash in commercial fertilizers in this State. If guarantees are as provided in Section 2103 (g) (2), the value shall be per unit of nitrogen, phosphorus and potassium. The values so determined and published shall be used in determining and assessing penalties.

#### § 2110. Misbranding

No person shall distribute misbranded fertilizer or soil conditioner. A commercial fertilizer or soil conditioner shall be deemed to be misbranded:

- (a) If its labeling is false or misleading in any particular.
- (b) If it is distributed under the name of another fertilizer product or soil conditioner.

(c) If it is not labeled as required in Section 2105 of this chapter and in accordance with regulations prescribed under this chapter.

(d) If it purports to be or is represented as a commercial fertilizer or soil conditioner or is represented as containing a plant nutrient or commercial fertilizer or soil conditioner, unless such plant nutrient or commercial fertilizer or soil conditioner conforms to the definition of identity, if any, prescribed by regulation of the Secretary; in the adopting of such regulations the Secretary shall give due regard to commonly accepted definitions and official fertilizer or soil conditioner terms such as those issued by the Association of American Plant Food Control Officials.

#### **§2111. Adulteration**

No person shall distribute an adulterated fertilizer product or soil conditioner. A commercial fertilizer or soil conditioner shall be deemed to be adulterated:

(a) If it contains any deleterious or harmful ingredient in sufficient amount to render it injurious to beneficial plant life when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use which may be necessary to protect plant life are not shown upon the label.

(b) If its composition falls below or differs from that which it is purported to possess by its labeling.

(c) If it contains unwanted crop seed or weed seed.

#### **§2112. Publications**

The Secretary shall publish at least annually and in such forms as he may deem proper:

(a) Information concerning the distribution of commercial fertilizers and soil conditioners.

(b) Results of analyses based on official samples of commercial fertilizers distributed within the State as compared with the analyses guaranteed under Section 2104 and Section 2105.

**§ 2113. Rules and regulations**

The Secretary is authorized to prescribe and enforce such rules and regulations relating to investigational allowances, definitions, records, and the distribution of commercial fertilizers and soil conditioners as may be necessary to carry into effect the full intent and meaning of this chapter. All regulations promulgated pursuant to this chapter shall be published and made available to all citizens.

**§ 2114. Fertilizer and soil conditioner short in weight**

If any commercial fertilizer or soil conditioner in the possession of the consumer is found by the Secretary to be short in weight, the registrant of said commercial fertilizer or soil conditioner shall within thirty days after official notice from the Secretary pay to the consumer a penalty equal to four times the value of the actual shortage.

**§ 2115. Cancellation of registrations**

The Department is authorized and empowered to cancel the registration of any brand of commercial fertilizer or soil conditioner or to refuse to register any brand of commercial fertilizer or soil conditioner as herein provided, upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasions or attempted evasions of the provisions of this chapter or any rules and regulations promulgated thereunder: Provided that no registration shall be revoked or refused until the registrant shall have been given the opportunity to appear for a hearing by the Secretary.

**§ 2116. "Stop Sale" orders**

The Secretary may issue and enforce a written or printed "stop sale, use or removal" order to the owner or custodian of any lot of commercial fertilizer or soil conditioner and to hold at a designated place when the Secretary finds said commercial fertilizer or soil conditioner is being offered or exposed for sale in violation of any of the provisions of this chapter, until the law has been complied with and said commercial fertilizer or soil conditioner is released in writing by the Secretary, or said violation has been otherwise legally disposed of by written

authority. Said "stop sale" orders shall remain effective for thirty days, or until an injunction is obtained pursuant to Section 2118 (e), or until voided by a court of competent jurisdiction, whichever occurs first. Provided, however, that no appeal from any "stop sale" order shall operate as a stay thereof. The Secretary shall release the commercial fertilizer or soil conditioner so withdrawn when the requirements of the provisions of this chapter have been complied with and all costs and expenses incurred in connection with the withdrawal have been paid.

#### **§2117. Seizure, condemnation, and sale**

Any lot of commercial fertilizer or soil conditioner not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the Secretary to a court of competent jurisdiction in the county in which said commercial fertilizer or soil conditioner is located. In the event one court finds the said commercial fertilizer or soil conditioner to be in violation of this chapter and orders the condemnation of said commercial fertilizer or soil conditioner, it shall be disposed of in any manner consistent with the quality of the commercial fertilizer or soil conditioner and the laws of the State.

Provided that in no instance shall the disposition of said commercial fertilizer or soil conditioner be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial fertilizer or soil conditioner or for permission to process or relabel said commercial fertilizer or soil conditioner to bring it into compliance with this chapter.

#### **§2118. Violations**

(a) If it shall appear from the examination of any commercial fertilizer or soil conditioner that any of the provisions of this chapter or the rules and published regulations issued thereunder have been violated, the Secretary shall cause notice of the violations to be given to the registrant, distributor, or possessor from whom said sample was taken; any person so notified shall be given opportunity to be heard under such rules and regulations as may be prescribed by the Secretary. If it appears after such hearing, either in the presence or absence of the person so notified, that any of the provisions of this chapter or rules and

regulations issued thereunder have been violated, the Secretary may certify the fact to the Attorney General.

(b) Any person convicted of violating any provision of this chapter or the rules and regulations issued thereunder shall be punished in the discretion of the Court. Superior Court shall have exclusive original jurisdiction over offenses under this chapter.

(c) Nothing in this chapter shall be construed as requiring the Secretary or his representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of this chapter when he believes that the public interests will be best served by a suitable notice of warning in writing.

(d) It shall be the duty of the Attorney General to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

(e) The Secretary is hereby authorized to apply for and the Court of Chancery is authorized to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated under this chapter notwithstanding the existence of other remedies at law. Injunctions shall be issued without bond.

#### **§ 2119. Hearing required**

If, after notification by the Secretary of the Department's order penalizing any person under Sections 2108 and 2114 of this chapter, denying registration under Section 2104 of this chapter, or cancelling registration under Section 2115 of this chapter, any aggrieved person shall so demand in writing, the Secretary shall hold a hearing. At such hearing a record shall be kept of all evidence and testimony, which shall be under oath, and of the Secretary's findings and decisions. Based on the evidence presented and the law set forth in this chapter, as well as regulations adopted pursuant thereto, the Secretary shall affirm, revoke, or modify the Department's original order.

**§2120. Appeals**

Nothing in this chapter shall be construed to prohibit appeals to a court of competent jurisdiction by persons aggrieved by a decision of the Secretary under Section 2119. Such an appeal shall be on the record and confined to a determination as to whether the Secretary abused his discretion, provided that no appeal shall stay an order by the Department.

**§2121. Exchanges between manufacturers**

Nothing in this chapter shall be construed to restrict or avoid sales or exchanges of commercial fertilizers or soil conditioners to each other by importers, manufacturers, or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizer or soil conditioners to manufacturers or manipulators who have registered their brands as required by the provisions of this chapter.

**§2122. Delegation of duties**

All authority vested in the State Secretary of Agriculture by virtue of the provisions of this chapter may with like force and effect be executed by such employees of the Department of Agriculture as may be designated for said purpose.

**§2123. Repeal**

All laws and parts of laws in conflict with or inconsistent with the provisions of this chapter are hereby repealed.

**§2124. Severability**

If any clause, sentence, paragraph, or part of this chapter shall for any reason be judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 2. This Act shall take effect and be in force from and after the first day of January, 1972.

Approved June 25, 1971.

CHAPTER 158

FORMERLY HOUSE BILL NO. 181

**AN ACT TO AMEND TITLE 18, CHAPTER 13, OF THE  
DELAWARE CODE PERTAINING TO OBLIGATIONS AND  
STOCK IN WHICH INSURERS MAY INVEST.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Title 18, Section 1307, Delaware Code, by re-numbering the present subsection (10) thereof as subsection (11), and by substituting a new subsection (10) to read as follows:

“(10) Asian Development Bank”

Approved June 25, 1971.

## CHAPTER 159

FORMERLY HOUSE BILL NO. 222  
AS AMENDED BY HOUSE AMENDMENT NO. 3**AN ACT TO AMEND CHAPTER 16, TITLE 2 OF THE  
DELAWARE CODE RELATING TO THE POWERS OF  
LOCAL TRANSPORTATION AUTHORITIES OF THE DE-  
PARTMENT OF TRANSPORTATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 1606, Chapter 16, Title 2, of the Delaware Code, by adding at the end of subsection (13) the following sentence:

A local transportation authority may, at such times and on such days as it shall determine, fix the rate of fare or charge for individuals over sixty-five years of age at a sum which is less than the standard fare or charge; provided, however, such reduced rate shall not be less than one-half of the standard fare or charge.

Section 2. This Act shall become effective ninety days after it is enacted into law.

Approved June 25, 1971.

CHAPTER 160

FORMERLY HOUSE BILL NO. 244

**AN ACT TO AMEND SECTION 2707, CHAPTER 27, SUBCHAPTER 1, TITLE 21, DELAWARE CODE, RELATING TO SCHOOL BUS DRIVERS' LICENSES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 2707, Chapter 27, Subchapter 1, Title 21, Delaware Code, is amended by adding subsection 7 to read as follows:

“7. The Motor Vehicle Department is authorized to issue a temporary nonrenewable permit valid for 30 calendar days to persons applying for a school bus driver's license upon the recommendation of the area transportation supervisor and after the applicant has passed the road, physical, and vision tests. Before a school bus driver's license shall be issued, such applicant shall have successfully completed the eight-hour instructional course within 30 calendar days after the issuance of the nonrenewable temporary permit.”

Approved June 25, 1971.

## CHAPTER 161

FORMERLY HOUSE BILL NO. 278  
AS AMENDED BY HOUSE AMENDMENTS NO. 1, 2 AND 4

## AN ACT TO AMEND TITLE 31, DELAWARE CODE, RELATING TO HOUSING AUTHORITIES.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 43, Title 31, Section 4301, Delaware Code, by striking the "." at the end of said section and inserting in lieu thereof a ";", and by adding a new definition to read as follows:

" 'Department' means the Department of Community Affairs and Economic Development."

Section 2. Chapter 43, Title 31, Delaware Code, is amended by striking Section 4303 in its entirety and inserting in lieu thereof the following Section 4303:

**§4303. Creation of authority; appointment and removal of commissioners; area of operation**

Whenever the Department shall have determined that there is need for a housing authority in any county or in any part of a county of the State, it shall issue to each appointing officer named in this chapter a certificate of such determination, describing the area of operation of the proposed authority, and as soon as possible thereafter an authority shall be created by the appointment of Commissioners who shall constitute the authority, all of whom shall be residents of the area in which the authority operates. In the case of a New Castle County Housing Authority, there shall be seven commissioners who shall be appointed by the County Executive with the advice and consent of the County Council; no more than a bare majority of the Commissioners shall be affiliated with any one major political party; one member shall serve as Chairman and shall serve at the pleasure of the County Executive; six members shall serve for terms of three years each, provided that the terms of the original members shall be established in a manner that two shall expire each year, and that

one member from each Councilmanic District shall be represented on the Commission. In the case of authorities other than a New Castle County Housing Authority, there shall be six commissioners who shall be appointed as follows: three by the Governor for initial terms of six years, four years and three years respectively; three by the Mayor of the most populous incorporated city or town in the area of operation in accordance with the last federal census for initial terms of five years, two years and one year respectively. Not more than two appointees of the Governor or of the Mayor at any one time shall be from the same political party or subdivision thereof. The terms of the Commissioners appointed before July 1, 1959 shall continue until the expiration of the terms thereof; the first occurring appointment to succeed the appointee of the Resident Judge shall be made by the Mayor; the second occurring appointment to succeed the appointee of the Resident Judge shall be made by the Governor.

Forthwith upon the appointment of the original commissioners, the appointing officers shall execute and file or cause to be filed in the office of the Secretary of State a certificate or certificates stating that such appointments have been duly made and setting forth the name and term of office of each commissioner. Such certificate or certificates shall be conclusive evidence of the due and proper creation of the authority. Each appointing officer shall execute and file or cause to be filed in the office of the Secretary of State a certificate with respect to each appointment of a successor commissioner stating the fact of such appointment and setting forth the name of the successor commissioner and his term of office. The respective appointing officers shall appoint successors to commissioners appointed by them or by their respective predecessors in office. In the case of an authority other than a New Castle County Housing Authority each successor commissioner shall be appointed to hold office in the case of a vacancy for the unexpired term, or in the case of expiration for a term of six years or until his successor shall have been appointed and qualified. In the case of a New Castle County Housing Authority each successor commissioner shall be appointed to hold office in the case of a vacancy for the unexpired term, or in the case of expiration of a term for a term of three years from the date of expiration of such term or until his successor shall have been appointed and qualified.

In the case of an authority other than a New Castle County

Housing Authority the Governor and the Mayor by unanimous vote may remove a Commissioner of the Authority for official misconduct, neglect of duty or incompetence, but only after the Commissioner shall have been given a copy of the charges against him and an opportunity to be heard in person or by counsel in his own defense; pending the determination of the charges against the Commissioner, the Governor and the Mayor by unanimous vote may suspend him from office. A copy of the charges and the result of the hearing shall be forwarded to the Department.

In the case of a New Castle County Housing Authority, the County Executive, with the advice and consent of County Council may remove a Commissioner of the Authority for official misconduct, neglect of duty or incompetence, but only after the Commissioner shall have been given a copy of the charges against him and an opportunity to be heard in person or by counsel in his own defense; pending the determination of the charges against the Commissioner, the County Executive with the advice and consent of County Council by unanimous vote may suspend him from office. A copy of the charges and the result of the hearing shall be forwarded to the Department.

Section 3. Chapter 43, Title 31, Delaware Code, is amended by striking Section 4312 in its entirety and inserting in lieu thereof the following Section 4312:

**§4312. Projects subject to zoning regulations**

All projects of an authority shall be subject to the comprehensive development plan, including the housing component thereof, planning, zoning, sanitary, and building laws, ordinances and regulations applicable to the locality in which the project is to be situated.

Section 4. Chapter 43, Title 31, Delaware Code, is amended by adding at the end thereof a new Section 4323 to read as follows:

**§4323. Additional powers of Department**

Whenever the Department determines that the purposes of this Chapter will be better accomplished by a revision of the area of operations of any authority or by the consolidation of two or

more authorities or by the performance of the functions of an authority by the State Housing Authority, the Department may, after due notice to all authorities affected and subsequent to a public hearing thereon, and with the concurrence of the local governing bodies, make such revision, consolidation or perform such functions; provided that adequate provision shall be made by the Department for the protection of such authority, its creditors, contracting parties and tenants.

Approved June 25, 1971.

## CHAPTER 162

## FORMERLY HOUSE BILL NO. 298

**AN ACT TO AMEND TITLE 14, DELAWARE CODE, REQUIRING A DAILY PERIOD OF SILENT MEDITATION.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each House thereof concurring therein):*

Section 1. Section 4101, Title 14, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new Section 4101 to read as follows:

**§4101. Daily period of silent meditation**

Pupils in the free public schools of this State shall be given the opportunity to devote, during the initial period of classroom time each school day, a moment for moral, philosophical, or patriotic meditation.

Section 2. Section 4102, Title 14, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new Section 4102 to read as follows:

**§4102. Penalties for violation of section 4101**

Any teacher or principal who refuses to comply with the provisions of Section 4101 shall be subject to a penalty of \$5 for the first violation and \$25 for any violation thereafter.

Section 3. Section 4103, Title 14, Delaware Code, is amended by striking said section in its entirety.

Approved June 25, 1971.

CHAPTER 163

FORMERLY HOUSE BILL NO. 302

**AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION  
TO THE NEW CASTLE COUNTY VOCATIONAL-TECH-  
NICAL HIGH SCHOOL.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$18,750 is hereby appropriated to the New Castle County Vocational-Technical High School for Division 11 for the fiscal year ending June 30, 1971.

Section 2. This Act shall be considered a supplementary appropriation and the monies appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 3. Any funds remaining unexpended on June 30, 1971, shall revert to the General Fund of the State Treasury.

Approved June 25, 1971.

## CHAPTER 164

## FORMERLY HOUSE BILL NO. 315

**AN ACT TO AMEND CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL" BY INCREASING THE AMOUNT OF MONEY THAT MAY BE RAISED ANNUALLY BY TAXATION FOR GENERAL MUNICIPAL PURPOSES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each House thereof concurring therein):*

Section 1. Section 33, Chapter 277, Volume 49, Laws of Delaware, as amended by Chapter 206, Volume 56, Laws of Delaware, is hereby further amended by striking the words and figures "Sixty Thousand Dollars (\$60,000.00)", as the same appear in line 2 of the second paragraph of said Section 33, and inserting in lieu thereof the following:

"One Hundred Twenty Thousand Dollars (\$120,000.00)".

Approved June 25, 1971.

CHAPTER 165

FORMERLY HOUSE BILL NO. 347

**AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE, RELATING TO ELIGIBILITY FOR WELFARE ASSISTANCE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 503, subsection (d), Title 31, Delaware Code, by striking in their entirety the second, third and fourth paragraphs thereof (i.e. strike everything from "In no event, however, . . ." to ". . .for Medical Care as defined in Section 502 of this chapter." inclusive.

Approved June 25, 1971.

## CHAPTER 166

FORMERLY HOUSE BILL NO. 350  
AS AMENDED BY HOUSE AMENDMENTS NO. 3 AND 4

AN ACT TO AMEND TITLE 3, DELAWARE CODE, PART II, BY ADDING A CHAPTER 12 THERETO RELATING TO THE DISTRIBUTION, SALE, TRANSPORTATION AND APPLICATION OF INSECTICIDES, FUNGICIDES, RODENTICIDES, DEFOLIANTS, DESICCANTS, PLANT REGULATORS, NEMATOCIDES, MITICIDES, AND OTHER PESTICIDES AND REGULATING TRAFFIC THEREIN; PROVIDING FOR REGISTRATION AND EXAMINATION OF SUCH MATERIALS, IMPOSING PENALTIES, FOR OTHER PURPOSES, AND IMPOSING DUTIES UPON AND GIVING CERTAIN POWERS TO THE STATE DEPARTMENT OF AGRICULTURE, AND MAKING AN APPROPRIATION THEREFOR.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 3, Delaware Code, Part II, is amended by adding thereto a new Chapter 12 to read as follows:

## CHAPTER 12. PESTICIDES

## § 1201. Declaration of purpose

The purpose of this chapter is to regulate the sale and use of pesticides in the interest of the overall public welfare; to protect the consumer by requiring that pesticides sold in this State be correctly labeled with adequate directions for use and warnings; and to restrict the use of any pesticides which are found to be so hazardous to man or to his environment that restrictions are necessary in the overall public interest, weighing the benefits and the risks of that use.

## § 1202. Definitions

For the purpose of this chapter:

“Pesticides” include (1) any substance or mixture of substances intended for preventing, destroying, repelling, or miti-

gating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the State Department of Agriculture shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

“Department” means the State Department of Agriculture.

“Secretary” means the Secretary of the Department of Agriculture or his designee.

“Structural Pesticide Applicator” means those persons who offer for hire or service the application of pesticides to prevent, destroy, repel or mitigate insects, fungus, rodents and other vertebrate animal pests which are harmful to buildings or their contents or are a hazard to the health or comfort of animals or humans living or working therein when such application is made on, within, under or around the building or on or within vehicles, ships, aircraft or other means of transporting persons or property by land, water or air.

“Commercial Pesticide Applicator” means any person who owns or manages a pesticide application business which is engaged in the business of applying pesticides upon the lands of another, or who operates equipment for the application of pesticides or applies pesticides manually.

“User” means those persons who apply pesticides for any purpose, including structural pesticide applicators and commercial pesticide applicators.

“Device” means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi, weeds, nematodes, or such other pests as may be designated by the Secretary, but not including equipment used for the application of economic poisons when sold separately therefrom.

“Insecticide” includes any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatsoever.

“Fungicide” includes any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

“Rodenticide” includes any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the State Department of Agriculture shall declare to be a pest.

“Herbicide” includes any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

“Nematocide” includes any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating nematodes.

“Miticide” includes any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any mites.

“Plant Regulator” includes any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

“Defoliant” includes any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

“Desiccant” includes any substance or mixture of substances intended for artificially accelerating the drying of plant tissues.

“Nematode” includes invertebrate animals of the phylum Nematelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

“Insect” includes any of the numerous small invertebrate animals generally having the body more or less obviously

segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, including, but not limited to beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, including, but not limited to, spiders, mites, ticks, centipedes and wood lice.

“Mite” includes any of the numerous, often very minute, acarines often infesting animals, plants, and stored foods belonging to the class Arachnida and to other acarina.

“Fungi” includes all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) including, but not limited to, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

“Weed” means any plant which grows where not wanted.

“Ingredient statement” means either –

(a) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide, or

(b) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the pesticide (except Option 1 shall apply if the preparation is highly toxic to man, determined as provided in Section 1207 of this Chapter; and, in addition to subsections (1) or (2) of subsection (a) of that section, in case of the pesticide contains arsenic in any form, a statement of the percentage of total and water soluble arsenic, each calculated as elemental arsenic.)

“Active ingredient” means –

(a) in the case of pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, mites, nematodes, fungi, rodents, weeds, or other pests.

(b) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of

growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof.

(c) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

(d) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

“Inert ingredient” means an ingredient which is not an active ingredient.

“Antidote” means the most practical immediate treatment in case of poisoning and includes first aid treatment.

“Person” means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

“Registrant” means the person registering any pesticide pursuant to the provisions of this Chapter.

“Label” means the written, printed, or graphic matter on, or attached to, the pesticide or its container or wrapper of the retail package, if any there be, of the pesticide or its container.

“Labeling” means all labels and other written, printed, or graphic matter –

(a) upon the pesticide or any of its containers or wrappers.

(b) accompanying the pesticide or its container at any time.

(c) to which reference is made on the label or in literature accompanying the pesticide or its container except when accurate, non-misleading reference is made to current official publications of the United States Departments of Agriculture or Interior, or the United States Public Health Service, State Experiment Stations, State Agricultural Colleges, or other similar Federal institutions or official agencies of this State or other States authorized by law to conduct research in the field of pesticides.

“Adulterated” shall apply to any pesticide if its strength or

purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

“Misbranded” shall apply –

(a) to any pesticide or its container if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.

(b) to any pesticide –

(1) if it is an imitation of or is offered for sale under the name of another pesticide.

(2) if its labeling bears any reference to registration under this Chapter and such pesticide has not been registered pursuant to the Chapter;

(3) if the labeling accompanying it does not contain adequate instructions for use which are necessary and, if complied with, adequate for the protection of the public.

(4) if the label does not contain a warning or caution statement which may be necessary, and if complied with, adequate to prevent injury to living man and other vertebrate animals.

(5) if the label or container of the product does not bear an ingredient statement that may be clearly read and understood when the unit for sale is displayed under customary conditions of purchase, handling, storage and use.

(6) if any word, statement, or other information required by or under the authority of this Chapter to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or

(7) if in the case of an insecticide, nematocide, fungicide, or herbicide, when used as directed or in accordance with commonly

recognized practice, it shall be injurious to living man or other vertebrate animals, or vegetation, except weeds, to which it is applied, or to the person applying such pesticide; or

(8) in the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such pesticide; Provided that physical or physiological effects on plants or parts of thereof shall not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.

(c) to any device or its container if its labeling bears any statement, design or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.

#### § 1203. Prohibited acts

a. It shall be unlawful for any person to distribute, sell, or offer for sale within this State any of the following:

(1) Any pesticide which has not been registered pursuant to the provisions of Section 1204 of this Chapter, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in this connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration: Provided that, in the discretion of the Secretary, a change in the labeling or formula of a pesticide may be made within a registration period without requiring re-registration of the product.

(2) Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is visibly affixed to such container, by printing or labeling the following:

(A) the name and address of the manufacturer, registrant, or person for whom manufactured.

(B) the name, brand, or trademark under which said article is sold;

(C) an ingredient statement containing the net weight or measure of the contents subject, however, to such reasonable variations as the Department may permit; and

(D) recommended instructions for use.

(3) Any pesticide which contains any substance or substances in quantities highly toxic to man, determined as provided in Section 1207 of this chapter, unless the label shall bear, in addition to any other matter required by this chapter,

(A) the skull and crossbones;

(B) the word "poison" prominently, in red, on a background of distinctly contrasting color; and

(C) a statement of an antidote for the pesticide

(4) The pesticides commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate, and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this Chapter, or any other white powder pesticide which the Department, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored; Provided that the Secretary may exempt any pesticide to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this section if the Secretary of the Department determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health.

(5) Any pesticide which is adulterated not branded or misbranded, or any container which is misbranded or not branded.

(6) Any pesticide shipped in interstate commerce into Delaware for sale in this State which has not been registered with the United States government.

b. It shall be unlawful —

(1) for any person to detach, alter, deface, or destroy in whole or in part, any label or labeling prior to purchase by the ultimate consumer, provided for in this Chapter or regulations promulgated hereunder or to add any substance to, or take any substance from a pesticide in a manner that may defeat the purpose of this Chapter;

(2) for any person to use for his own advantage or to reveal any information relative to formulas of products acquired by authority of Section 1204 of this Chapter.

#### **§ 1204. Registration**

a. Every pesticide which is distributed, sold or offered for sale within this State shall be registered with the Department, for an annual fee of \$7.00 for each pesticide registered, and such registration shall be reviewed annually; Provided that products, which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same pesticide may be registered as a single pesticide; and additional names and labels shall be added by supplement statements during the current period of registration. Each pesticide registered under applicable federal law and bearing a federal registration number on the label shall be registered by the Department upon submission of the application, a true copy of the approved label and the applicable registration fee. Pesticides not registered under applicable federal law shall be registered in accordance with the following procedures. The applicant for registration shall file with the Department a statement including:

(1) the name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant;

(2) the name of the pesticide;

(3) a complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it including directions for use; and

(4) if requested by the Department a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the pesticide was registered or last re-registered.

b. The Department, whenever it deems it necessary in the administration of this Chapter, may require the submission of the complete formula of any pesticide which does not have Federal registration. If it appears to the Department that the composition of the article is such as to warrant the proposed claims for it and its labeling and other material required to be submitted comply with the requirements of Section 1203 of this Chapter, it shall be registered.

c. If it does not appear to the Department that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this Chapter, the Department shall notify the applicant of the manner in which the article, labeling or other material required to be submitted fail to comply with the Chapter so as to afford the applicant an opportunity to make the necessary correction. If upon receipt of such notice, the applicant does not make the correction, the Department may refuse to register the article. The Department, in accordance with the procedures specified herein, may suspend or cancel the registration of a pesticide whenever it does not appear that the article or its labeling complies with the provisions of this Chapter. Whenever an application for registration is refused or the Department proposes to suspend or cancel a registration, notice of such action shall be given to the applicant or registrant who shall have thirty days from the date of such notice to request a hearing on the proposed action of the Department. The hearing shall be conducted by the Secretary, or his designee, for the purpose of receiving evidence relevant and material to the issues, following the conclusion of which the Secretary shall issue an order with finding of fact and notify the applicant or registrant thereof. The Secretary's order shall be based only on evidence of record taken at the hearing.

Any person who will be adversely affected by such order may obtain judicial review thereof by filing in the Superior Court, within sixty days after the entry of such order, a petition praying

that the order be set aside in whole or in part. A copy of the petition shall be forthwith transmitted by the Prothonotary to the Secretary and thereupon the Secretary shall file in the Court the record of the proceedings on which he based his order. The Court shall have jurisdiction to affirm or set aside the order complained of in whole or in part. The findings of the Secretary with respect to questions of fact shall be sustained if supported by substantial evidence when considered on the record as a whole. Upon application, the Court may remand the matter to the Secretary to take further testimony if there are reasonable grounds for the failure to adduce such evidence in the prior hearing. The Secretary may modify his findings and his order by reason of the additional evidence so taken and shall file the additional record and any modification of the findings or order with the Prothonotary.

d. Notwithstanding any other provision of this Chapter, registration is not required in the case of a pesticide shipped from one plant within this State to another plant within this State operated by the same person.

#### **§ 1205. Restricted use pesticides**

In order to assure that pesticides are used in accordance with the directions and cautions on the registered labels, the Secretary, in consultation with the Pesticide Advisory Committee, may, if he deems it necessary, adopt by regulation a list of pesticides to be classified as restricted use pesticides in accordance with the procedures established in this section.

##### **(a) Designation of restricted use pesticides.**

“Restricted use pesticide” means a pesticide intended for agricultural or commercial use which the Secretary, under the guidance of the Pesticide Advisory Committee, has found is so hazardous to man or to his environment when used as directed on the label or in the labeling except the pest or vegetation which it is intended to control, that restrictions on its purchase and use are necessary to assure that it is used only as directed to protect the public interest and welfare. The Secretary shall, after notice and public hearing, designate by regulation those pesticides which he finds to be “restricted use pesticides.” The order shall contain specific findings for each pesticide so designated, based upon the record of the hearing. The order shall be subject to review by the

Superior Court upon the filing of a petition for review within 20 days of the date of the order.

It is unlawful:

(1) To purchase or use a restricted use pesticide except in accordance with a permit granted by the Secretary.

(2) To sell or to offer to sell a restricted use pesticide unless the purchaser has been issued a permit for its purchase and use and that permit has not been canceled.

(b) Applications for permits shall be made to the Secretary on forms prepared by him. The Secretary shall grant a permit to purchase and use a restricted use pesticide subject to such restrictions as he finds necessary in each case to protect the overall public interest and welfare. The permit may specify the area, time, amount or rate of application or such other conditions of use as he finds necessary to carry out the purposes of this Act. The Secretary may deny a permit to any person if he finds after a hearing that the public interest requires such denial. Structural pesticide applicator permits shall be issued on an annual basis.

(c) The Secretary may cancel a permit, after due notice to permit holder an opportunity for hearing, if he finds that the permit holder has violated this section or if an emergency creates a clear and present danger to the overall public interest and welfare from the uses authorized by the permit.

(d) A person whose permit is denied or canceled may request a hearing before the Secretary. A hearing shall be held within thirty days after requested. Within thirty days after the hearing the Secretary shall affirm, withdraw, or modify his action by an order based upon the record of the hearing. An appeal from that order may be taken to the Superior Court within thirty days of the date of the order.

(e) The Secretary is hereby empowered to promulgate such rules, regulations and fees as in his judgment are necessary to carry into effect the provisions of this Section and to alter or uniformly suspend such rules when necessary. Prior to the promulgation of any rules, regulations and fees, the Secretary shall hold public hearings following due notice. The hearing shall be conducted by

the Secretary, or his designee, for the purpose of receiving evidence relevant and material to the issues, following the conclusion of which the Secretary may issue such rules, regulations and fees as he sees fit, based on the evidence received at such hearings, provided that any fee for a permit required by Section 1205 should not exceed \$15.00. An appeal from that order may be taken to the Superior Court within thirty days of the date of the order.

**§ 1206. Discard of restricted use pesticide or container**

The Secretary, with the guidance of his Advisory Pesticide Committee, shall establish regulations relating to the discard for disposal of any restricted use pesticide or its container. These regulations shall be incorporated into permits granted for the purchase or use of such restricted use pesticide and the failure of the purchaser to comply with these regulations shall be deemed sufficient grounds for suspending or canceling a purchase or use permit. The Secretary's regulation shall provide for reasonable and practicable methods of disposing of restricted use pesticides and their containers when he finds that restrictions are necessary to carry out the purposes of this Act. No person shall dispose of restricted pesticide except according to such regulation.

**§ 1207. Determinations Rules and Regulations; uniformity**

a. The Department is authorized, after opportunity for a hearing

(1) to declare as a pest any form of plant or animal life or virus which is injurious to plants, men, domestic animals, articles, or substances;

(2) to determine standards of coloring or discoloring for pesticides, and to subject pesticides to the requirements of Section 1203 a (4) of this chapter.

(3) to determine which pesticides are highly toxic to man.

b. The Department is authorized to make appropriate rules and regulations for carrying out the provisions of this chapter, after a hearing following the proper notification to all organizations representing interested parties, including rules and regula-

tions providing for the collection and examination of samples of pesticides or devices and granting permits to users of restricted use pesticides. No applicators' permits will be issued unless the permit holder operates under an authorized consultant or has demonstrated expertise in the proper use of the pesticide for which the permit is issued.

c. The Department may, after a hearing, deny, suspend, revoke, or modify any permit issued under this chapter, if it finds that the applicant or permit holder has committed any of the following acts, each of which is declared to be a violation of this chapter:

(1) Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized.

(2) Made a pesticide recommendation or application not in accordance with the label registered under Federal law or by the Department;

(3) Applied known ineffective or improper materials;

(4) Operated faulty or unsafe equipment;

(5) Operated in a faulty, careless, or negligent manner;

(6) Refused or, after notice, neglected to comply with the provisions of this Act;

(7) Refused or neglected to keep and maintain the records required by this Chapter, or to make reports when and as required;

(8) Made false or fraudulent records, invoices, or reports;

(9) Used fraud or misrepresentation in making an application for a permit or renewal of a permit;

(10) Refused or neglected to comply with any limitations or restrictions on or in a duly issued permit;

(11) Made false or misleading statements during or after an inspection concerning any infestation or infection of pests found on land; or

(12) Impersonated any State, county, or city inspector or official.

d. In order to avoid confusion endangering the public health, resulting from diverse requirements, particularly as to the labeling and coloring of pesticides, and to avoid increased costs to the people of this State due to the necessity of complying with such diverse requirements in the manufacture and sale of such pesticides, it is desirable that there should be uniformity between the requirements of the several states and the Federal Government relating to such pesticides. To this end the Department is authorized to adopt such regulations, applicable to and in conformity with the primary standards established by this chapter, as have been or may be prescribed in the United States Government with respect to pesticides.

**§ 1208. Pesticide Advisory Committee; composition; terms**

a. There is hereby created a Pesticide Advisory Committee, consisting of three pesticide applicators residing in the State, one qualified to operate ground equipment, one qualified to operate aerial equipment and one qualified for structural pest control; one entomologist in public service; one environmental health specialist from the State Department of Health and Social Services, one toxicologist in public service; one plant pathologist in public service; one member from the agricultural chemical industry; one member from the food processing industry; one producer of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides; two representatives of the Department of Natural Resources and Environmental Control – one who in his employment is responsible for the protection of environmental control, and one who in his employment is responsible for fish and wildlife protection. Such members shall be appointed by the Governor for terms of three years and may be appointed for successive three year terms at the discretion of the Governor. The Governor may remove any member of the Committee prior to the expiration of his term of appointment for cause; PROVIDED, that at the inception of this chapter the Governor shall appoint four members, not including more than one member from any one representative group, for a period of one year; four members, not including more than one member from any one representative group, for a period of two years; and four members, not including more than one member

from any one representative group, for a period of three years. All subsequent terms for appointments to such Committee shall be for a period of three years.

b. Upon the death, resignation, or removal for cause of any member of the Committee, the Governor shall fill such vacancy.

c. The Committee shall advise the Department on any or all problems relating to the use and application of pesticides in the State.

d. The Committee shall elect one of its members chairman. The members of the Committee shall meet at such time and at such place as shall be specified by the call of the Department, chairman, or a majority of the Committee.

e. The members of the Committee shall receive expenses only.

#### **§ 1209. Enforcement**

a. The examination of pesticides or devices shall be made under the direction of the Secretary for the purpose of determining whether they comply with the requirements of this Chapter. If it shall appear from such examination that a pesticide or device fails to comply with the provisions of this Chapter, and the Secretary contemplates instituting criminal proceedings against any person, the Secretary shall cause appropriate notice to be given to such person. Any person so notified shall be given an opportunity to present his view, either orally or in writing, with regard to such contemplated proceedings and if thereafter in the opinion of the Secretary it shall appear that the provisions of the Chapter have been violated by such person, then the Secretary shall refer the facts to the Attorney General with a copy of the results of the analysis or the examination of such article: Provided, however, that nothing in this Chapter shall be construed to require the Secretary to report for prosecution, or for the institution of other proceedings minor violators of the Chapter whenever he believes that the public interests will best be served by a suitable notice of warning in writing.

b. It shall be the duty of the Attorney General to whom

any such violation is reported to cause appropriate proceedings to be instituted and prosecuted without delay.

c. The Secretary shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under the authority of this chapter.

#### § 1210. Exemptions

a. The penalties provided for violation of this chapter shall not apply to:

(1) Any carrier while lawfully engaged in transporting an economic poison within this State, if such carrier shall, upon request, permit the Secretary or his designated agent to copy all records showing the transactions in and movement of the articles.

No article shall be deemed in violation of this Act when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of this chapter shall apply.

(2) the manufacturer or shipper of a pesticide for experimental use only

(a) by or under the supervision of an agency of this State or of the Federal Government authorized by law to conduct research in the field of pesticides, or

(b) by others if the pesticide is not sold and if the container thereof is plainly and conspicuously marked 'for experimental use only - Not to be sold', together with the manufacturer's name and address: Provided, however, that if a written permit has been obtained from the Secretary, pesticides may be sold for experiment purposes subject to such restrictions and conditions as may be set forth in the permit.

#### § 1211. Seizures

a. Any pesticide or device that is distributed, sold, or offered for sale within this State shall be liable to seizure and

forfeiture by the Department upon application to Superior Court in and for the county wherein the pesticide in question is located.

(1) in the case of a pesticide, the court shall order forfeiture without compensation:

(a) if it is adulterated or misbranded;

(b) if it has not been registered under the provisions of Section 1204 of this Chapter;

(c) if it fails to bear on its label the information required by this Chapter;

(d) if it is a white powder pesticide and is not colored as required under this Chapter.

(2) in the case of a device, if it is misbranded.

b. If the article is forfeited or condemned, it shall, after entry of decree, be disposed of by destruction or sale as the Department may direct and the proceeds, if such article is sold, less legal costs, shall be paid to the General Fund; Provided, that the article shall not be sold contrary to the provision of this Chapter; and Provided, further, that upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the article shall not be disposed of unlawfully, the Department may direct that said article be delivered to the owner thereof for relabeling or reprocessing as the case may be.

c. When a decree of condemnation or forfeiture is entered against the article, Department costs and fees and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article.

#### **§ 1212. Delegation of duties**

All authority vested in the Secretary by virtue of the provisions of this Chapter may with like force and effect be executed by such employees of the Department as may be designated for said purpose.

**§ 1213. Stop Sale, Use or Removal Orders**

When the Secretary or his authorized agent has reasonable cause to believe a pesticide or device is being distributed or used in violation of any of the provisions of this Chapter, or of any of the prescribed regulations under this Chapter, he may issue and serve a written 'Stop Sale, Use or Removal' order upon the owner or custodian of any such pesticide or device. Any such "Stop Sale, Use or Removal" order shall remain in effect no longer than 30 days, or until a permanent injunction is obtained from the Court of Chancery, or until voided by Superior Court, whichever occurs first. The pesticide or device shall not be sold, used or removed until the provisions of this Chapter have been complied with and the pesticide or device has been released in writing by the Secretary or the violation has been otherwise disposed of as provided in this Chapter by a court of competent jurisdiction.

**§ 1214. Cooperation**

The Department may cooperate or enter into formal agreements with the Department of Natural Resources and Environmental Control, the University of Delaware and any other agency or educational institution of this State or its subdivisions or with any agency of any other State or of the Federal Government for the purpose of carrying out the provisions of this Chapter and of securing uniformity of regulations, including monitoring and analyzing.

**§ 1215. Penalties**

Whoever violates any provisions of this Chapter shall be fined not more than \$5,000 for each offense. Superior Court shall have exclusive original jurisdiction over offenses under this Chapter.

**§ 1216. Disposition of collected fees**

The fees collected by the State Department of Agriculture under the provisions of this chapter shall be paid to the State Treasurer and placed in the General Fund.

**§ 1217. Repeals**

Jurisdiction in all matter pertaining to the distribution, sale

and transportation of pesticides and devices, is by this Chapter vested exclusively in the State Department of Agriculture, and all acts and parts of acts inconsistent with this Chapter are hereby expressly repealed.

**§ 1218. Severability and savings clause**

If any provision of this Chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this Chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

**§ 1219. Effective date**

All provisions of this Chapter, except as otherwise provided, shall take effect July 1, 1971.

Section 2. The sum of \$25,000 is hereby appropriated to the Department of Agriculture for the implementation of this Act, which appropriation shall be paid out of the General Fund from monies not otherwise appropriated. Any funds hereby appropriated which remain unexpended on June 30, 1972 shall revert to the General Fund.

Approved June 25, 1971.

## CHAPTER 167

## FORMERLY HOUSE BILL NO. 351

**AN ACT TO AMEND AN ACT ENTITLED: "AN ACT TO RE-INCORPORATE THE TOWN OF SMYRNA," AUTHORIZING THE SMYRNA TOWN COUNCIL TO BORROW FUNDS EQUAL TO A MAXIMUM OF ONE AND ONE-HALF PER CENT OF TOTAL TAXABLE ASSESSMENTS, AND TO ISSUE BONDS AND NOTES THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the members elected to each House thereof concurring therein):*

Section 1. Amend Section 26, Chapter 192, Volume 36, Laws of Delaware, by striking the present Section 26 in its entirety, and substituting in lieu thereof a new Section 26 which shall read as follows:

**Section 26. Town Bonds and Notes**

The Town Council of the Town of Smyrna shall have full power and authority to borrow, upon the faith and credit of the Town of Smyrna, a sum or sums of money not exceeding one and one-half per cent (1½%) of the total taxable assessed property value in any one fiscal year not to exceed a total of six per cent (6%) of total assessed value, when in the opinion of the majority of Council the needs of the Town demand it. The Town Council may secure such sum or sums of money by promissory note or notes, or certificates of indebtedness of the Town of Smyrna, duly authorized by resolution of Council, and signed by the Secretary, and by the Mayor or the acting Mayor of Council, with or without the corporate seal of the town affixed in accordance with the request of the person or corporation advancing the money on said notes or certificates, and no officer or member of Council shall be personally liable for the payment of such note or notes, because of his signature as an officer of the Council, his membership in Council or his approval of the authorizing resolution. Provided, however, that any sum of money borrowed by the Council on the full faith and credit of the Town of Smyrna as aforesaid shall be repaid in full, together with all interest and charges thereon,

within a period not to exceed ten (10) years and shall be repaid in equal annual installments out of the General Funds of the Town.

This provision in no way shall be intended to apply to the right of the Mayor and Council to submit to the voters for their approval capital improvement projects to be financed by long term bond issue, the sale of said bonds to be in accordance with the established procedures required in connection with same.

Approved June 25, 1971.

## CHAPTER 168

## FORMERLY HOUSE BILL NO. 364

**AN ACT TO AMEND CHAPTER 43, TITLE 6, DELAWARE CODE, PROVIDING FOR THE OPERATION OF CREDIT CARD SYSTEM BY BANKS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 4301, Chapter 43, Title 6, Delaware Code, by removing the “.” at the end of the sentence defining “Retail Seller” and adding thereto the following:

“and, as used in Subchapter IX hereof dealing with retail installment accounts, includes a bank operating a credit card system.”

Section 2. Amend Section 4301, Chapter 43, Title 6, Delaware Code, by removing the “.” at the end of the sentence defining “Retail Installment Account” and adding thereto the following:

“and includes those accounts established with banks operating a credit card system pursuant to which a cardholder purchases goods and services from participating merchants.”

Approved June 25, 1971.

## CHAPTER 169

## FORMERLY HOUSE BILL NO. 365

**AN ACT TO REPEAL CHAPTER 17, TITLE 9, DELAWARE CODE, RELATING TO PENSIONS FOR EMPLOYEES OF NEW CASTLE COUNTY AND PROVIDING FOR ESTABLISHMENT OF A PENSION PLAN FOR EMPLOYEES OF NEW CASTLE COUNTY BY NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. New Castle County may by ordinance establish a contributory funded pension program. Upon the establishment of a contributory funded pension program, any existing employee of New Castle County who elects to participate in said program and all employees hired after the effective date of said program who are covered by said program shall be entitled to the benefits for which they qualify under this chapter. Existing employees of New Castle County who do not elect to participate in said program and former employees and retired employees of New Castle County shall be entitled to the benefits for which they qualify under Section 2 of this Act.

Section 2. New Castle County shall within ninety (90) days after enactment of this Act by ordinance provide a pension plan for existing employees of New Castle County who do not elect to participate in the pension program authorized by Section 1 of this Act and for former employees and retired employees of New Castle County which shall provide the benefits heretofore provided under Chapter 17, Title 9, Delaware Code.

Section 3. Chapter 17, Title 9, Delaware Code, is hereby repealed effective ninety (90) days after enactment of this Act; provided that nothing in Section 2 or 3 of this Act or in any ordinance adopted pursuant to this Act, shall reduce the pension or pension rights of any existing employee or former employee or retired employee of New Castle County as provided in Chapter 17, Title 9, Delaware Code.

Approved June 25, 1971.

## CHAPTER 170

## FORMERLY HOUSE BILL NO. 406

**AN ACT PROVIDING FOR THE APPROPRIATION OF MONEY TO MILTON R. OLAZAGASTI, A VETERAN ELIGIBLE FOR THE BONUS PAID BY THE STATE PURSUANT TO THE VETERAN'S MILITARY PAY ACT NO. 11, BUT WHO DID NOT RECEIVE HIS BONUS.**

WHEREAS, Milton R. Olazagasti, now of 200 James Place, Wilmington Manor, New Castle, Delaware, was a lifetime legal resident of the State of Delaware prior to his entry into the United States Army on September 21, 1949 and is a legal resident of Delaware now; and

WHEREAS, said Milton R. Olazagasti served in the United States Army during the Korean Conflict from September 21, 1949 until January, 1953; and

WHEREAS, since his service was between June 25, 1950 and January 31, 1955, he would have been entitled to a bonus under the Veteran's Military Pay Act II as appears in Chapter 449, Volume 50, Laws of Delaware, but through oversight he failed to apply timely for such bonus; and

WHEREAS, he served 40 months in the United States Army and would, therefore, be entitled to the bonus of \$300;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. The sum of \$300 is appropriated to Milton R. Olazagasti, 200 James Place, Wilmington Manor, New Castle, Delaware.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out

of funds in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 25, 1971.

## CHAPTER 171

## FORMERLY HOUSE BILL NO. 409

## AN ACT TO REINCORPORATE THE TOWN OF CHESWOLD.

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all of the Members of each House concurring therein):*

**INCORPORATION; POWERS OF TOWN GENERALLY****Section 1. Incorporation**

The inhabitants of the town of Cheswold, within the corporate limits established by Section 2 hereof, and as hereafter amended, shall continue to be a municipal corporation and body politic under the style and name of "The Town of Cheswold", hereinafter referred to as the "town".

**Section 2. Town limits**

The town of Cheswold shall include all that portion of Kent County included within the town of Cheswold by Chapter 149, Volume 29, Laws of Delaware, as amended by Chapter 119, Volume 54, Laws of Delaware. The town limits shall also include such additional areas as may be from time to time annexed thereto, pursuant to this Act.

**Section 3. Powers of the town — generally**

The town shall have and exercise all express and implied powers and authority of local self-government and home rule which, under the Delaware Constitution, it would be competent for the General Assembly to grant to the town by a specific enumeration and which are not denied by general statute, and the town shall have complete powers of legislation and administration in relation to its municipal functions, including any additional powers and authority which may hereafter be granted to it. The town shall have the power to enact ordinances and to make rules and regulations necessary and proper for carrying into execution any of its express or implied powers; and such ordinances, rules and regulations may be made enforceable by the imposition of

finances, forfeitures, penalties, and imprisonment. The town may acquire, hold, manage and dispose of property and provide municipal services on such terms as it deems proper within or without its corporate limits for any municipal function. Any enumeration of particular powers in this Act shall not be deemed to be exclusive and the powers of the town under this Act shall be construed liberally in favor of the town.

#### **Section 4. Legislative power**

The legislative power of the town, including any such power which may hereafter be conferred on the town by amendment to the Delaware Constitution or by the laws of the State of Delaware, shall be exclusively vested in and exercised by a Council, subject only to the provisions of this Act. The Council elected shall organize and shall function as provided in this Act.

#### **Section 5. Executive and administrative power**

(a) The executive and administrative power of the town, as it now exists, shall be exclusively vested in and exercised by a Mayor and such other officers, departments, boards and commissions as are designated and authorized in this Act. The Mayor and other executive or administrative officers shall be elected or appointed as provided in this Act.

(b) Any additional executive and administrative power which may be conferred on the town by amendment of the Delaware Constitution or by the laws of the State of Delaware, or any additional function assumed by the town as within its existing executive and administrative powers, shall be vested in and exercised by the Mayor and, as far as practicable, by the officers, departments, boards and commissions designated in this Act. The Council shall by ordinance distribute among such officers, departments, boards and commissions such new powers, functions, and duties, but to the extent that this is not practicable, it may create additional offices, boards, departments, and commissions for the exercise of such powers and the performance of such duties, and provide for the appointment of new officers or members of the new boards, departments, or commissions. Any such additional offices, boards, departments, and commissions shall in all respects be subject to this Act. In case of new officers whose primary duties are to assist the courts, the appointive power

may be vested in the judges thereof; and if the primary duties of any new board or commission relate to the functions of any department, such board or commissions shall be constituted a departmental board or commission within such department.

#### **Section 6. Intergovernmental relations**

The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, including counties, or the United States or any agency thereof.

### **LEGISLATIVE BRANCH**

#### **Section 1. Number and terms of councilmen**

Council shall consist of five (5) members, all of whom shall be elected from the town at large for a term of two (2) years. Three (3) members of the Council shall be elected in odd numbered years, and two (2) members of the Council shall be elected in even numbered years.

#### **Section 2. Transitional provision**

Each Commissioner of the Town of Cheswold shall serve as a member of the Town Council of the Town of Cheswold until the expiration of his present term as Commissioner. Thereafter, he is eligible for election to the Town Council unless otherwise disqualified.

#### **Section 3. Election; vacancies**

Elections for Mayor and members of Town Council shall be held annually on the last Tuesday in March between the hours of 6:00 p.m. and 8:00 p.m. All persons who have resided within the limits of the town of Cheswold for at least sixty (60) days prior to the date of the election shall be eligible to vote. All voters, in order to vote in a town election, shall register with a Board of Registration appointed by the Town Council. Said Board of Registration shall set at some public place within the town on the 30th day before each town election for the purpose of receiving voter registrations between the hours of noon and 8:00 p.m. The

place of registration shall be advertised by the posting of notices at ten (10) public places within the town, and said notices shall be posted fifteen (15) days before the registration day. A voter who was registered to vote in the last town election and who voted in such town election need not re-register.

Except as otherwise provided by this Act, the provisions of the election laws of the State of Delaware shall apply to elections held under this Act. All elections provided for by this Act shall be conducted by the election authorities authorized to hold elections under the election laws of the State of Delaware.

If a vacancy occurring by reason of death, removal from the town, or resignation occurs, the remaining members of the Town Council shall select a voter of the town to fill the vacancy until the next town election, unless the vacancy occurs within thirty (30) days prior to the next town election, in which event the Council shall select a person to fill the vacancy until the next succeeding town election. If the Council divides evenly on the question of the filling of the vacancy, the Mayor shall cast the deciding vote.

Any qualified voter of the town may have his name placed upon the ballot for election as Mayor or member of the Town Council by giving written notice to the Town Clerk not less than thirty (30) days prior to the town election.

#### Section 4. Organization of Council

Council shall meet for organization at 8:00 p.m. on the Monday next succeeding the town election. The Mayor shall preside at all Council meetings, but shall not have a vote except in case of a tie. At the organization meeting, the Council shall elect a Town Clerk, who shall be secretary of Council. Council shall determine its rules and order of business, provide for such committees as it deems necessary, and define the duties of the City Clerk and employees. It shall employ and fix the salaries of such persons as may be necessary for a proper discharge of its business. The minutes of its proceedings shall be kept and shall be open to public inspection.

**Section 5. Introduction, consideration and passage of ordinances**

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. Any ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full that part of the ordinance, section or subsection to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strike-out type and shall indicate new matter by underscoring or italics. Every ordinance, except annual budget ordinances and general modifications and revisions of town ordinances, shall contain not more than one subject which shall be clearly and adequately expressed in its title.

(b) After an ordinance shall have been introduced and given its first and second readings, it shall be referred to an appropriate committee for report, and the committee or council may hold a public hearing on any ordinance if it desires. No ordinance shall be finally enacted at the same meeting in which it is introduced and given its first and second readings.

(c) Votes on all ordinances on final passage shall be taken by ayes and nays and the vote recorded in the minutes of the proceedings.

(d) No action of the Town Council, except as otherwise provided in this Act, shall be valid or binding unless adopted with the concurrence of a majority of all the members of the Town Council.

(e) Except as may be otherwise provided in this Act, every adopted ordinance shall become effective at the expiration of thirty (30) days after adoption unless a different effective date is specified in this ordinance.

**Section 6. Submission of ordinances to the Mayor**

Every ordinance shall, before it takes effect, be certified to the Mayor for his approval. The Mayor shall sign the ordinance if he approves it, whereupon it shall become law. If he disapproves it, he shall return it to the Council with the reasons for his disapproval with ten (10) days after he receives it. If the Council

shall pass the ordinance by a vote of two-thirds (2/3) of all of its members within fifteen (15) days after the ordinance has been returned with the Mayor's disapproval, it shall become law without his approval. If the Mayor does not return the ordinance within the time required, it shall become law without his approval.

#### **Section 7. Council meetings**

The meetings of the Council shall be open and at all times accessible to the public. Official town business transacted by the Town Council shall be in the public meetings. The Town Council may meet regularly at least twice in each month. The time, place, and date of regular meetings and the places of special meetings shall be established by the Town Council as a part of the rules of procedure adopted for the conduct of its meetings. Special meetings may be held on the call of the Mayor, or of a majority of the members of the Town Council in accordance with rules adopted as a part of the rules of procedure of the Town Council. A majority of all members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Town Council.

#### **Section 8. Emergency ordinances**

To meet a public emergency affecting life, health, property or the public peace, the Town Council may adopt emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except to issue emergency notes as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least two-thirds (2/3) of the members shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made for the issuance of emergency notes shall automatically stand repealed as of the sixty-first day following the date on which

it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this Section if the emergency still exists. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

#### **Section 9. Adoption of codes of technical regulations**

The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally. Copies of any adopted code of technical regulations shall be made available by the Town Clerk or for purchase at a reasonable price.

#### **Section 10. Annual operating budget ordinance**

(a) It shall be the duty of the Council, at least thirty (30) days before the end of the fiscal year, to adopt the annual operating budget ordinance for the next fiscal year. The consideration of the operating budget ordinance shall begin forthwith upon the receipt from the Mayor of his annual written operating budget message and the proposed annual operating budget ordinance. The proposed budget ordinance shall be regarded as having been introduced immediately upon its receipt.

(b) The annual operating budget ordinance shall provide for discharging any deficit and shall make appropriations to the Council, the Mayor, and all officers, departments, boards and commissions which form a part of the executive or administrative branch of the town government, and for all other items which are to be met out of the revenue of the town. All appropriations shall be made in lump sum amounts and according to the following classes of expenditures for each office, department, board or commission:

- (1) Personal services;
- (2) Materials, supplies and equipment;
- (3) Debt service;
- (4) Such additional classes as the Mayor shall recommend in his proposed annual operating budget ordinance.

Expenditures for the repair of any property and for the acquisition of any property or for any work or project which does not have a probable useful life to the town of at least five (5) years following the time the expenditure is made for it shall be deemed to be ordinary expenses to be provided for in the annual operating budget ordinance. Appropriations for the use of any departmental board or commission shall be made to the department with which it is connected.

(c) The Mayor's estimates of receipts for the ensuing fiscal year and of surplus or deficit, if any, for the current fiscal year may not be altered by the Council.

(d) The annual operating budget ordinance may be amended after its passage to authorize the transfer of items but the aggregate of the appropriations made by it may not be increased and transfer of budget items may not be made during the last four (4) months of any fiscal year, except upon the recommendation of the mayor.

#### **Section 11. Other appropriations**

The Council may not make any operating appropriations in addition to those included in the annual operating budget ordinance except:

(a) To meet emergencies which could not be anticipated when the operating budget ordinance was passed.

(b) To pay the expenses of holding special elections and elections on proposals to amend this Act.

Unless paid for out of current revenues, all amounts appropriated under this Section must be included as liabilities of the town in the next succeeding annual operating budget ordinance and except to meet emergencies, operating expenses shall neither be appropriated nor paid out of loan funds.

#### **Section 12. Balancing the budget**

Not later than the passage of the annual operating budget ordinance, the Council shall ordain such revenue measures as will, in the opinion of the Mayor, yield sufficient revenue to balance

the budget. For this purpose new sources of revenue or increased rates from existing sources of revenue not proposed by the Mayor shall be deemed to yield in the ensuing fiscal year such amounts as the Mayor shall determine. The annual operating budget ordinance shall not become effective and the Town Treasurer shall not approve any order for any expenditure thereunder until the Council has balanced the budget. In no event shall taxes upon real estate exceed two percent (2%) of the total assessed value of all the real estate subject to taxation.

**Section 13. Legislation affecting zoning, physical development plan, land subdivision, or authorizing the purchase or sale of real estate**

The Council shall not enact any ordinance which shall in any manner affect any zoning ordinance, the physical development plan of the town, plans of streets and revisions of such plans, and land subdivision plans or any ordinance which would authorize the acquisition or sale of town real estate without first receiving the recommendation thereon through the Mayor or the Town Planning Commission.

**Section 14. Leases and contracts for more than one year**

The Council may by ordinance authorize the leasing of real estate for more than one (1) year and the contracting for personal property to be supplied or for services to be rendered over a period of more than one (1) year without making appropriations therefor beyond the current year. Such leases and contracts shall be valid and binding upon the town although no appropriations have been made for the ensuing years during which the leases and contracts are to be operative; but it shall be the duty of the Council to make subsequent appropriations from year to year to pay amounts coming due under such leases and contracts. The obligation of the town under such leases and contracts shall not be considered to be part of the indebtedness of the city.

**EXECUTIVE AND  
ADMINISTRATIVE BRANCH – ORGANIZATION**

**Section 1. Executive and administrative officers, and departments**

The executive and administrative work of the town shall be performed by:

- (a) The Mayor.
- (b) The Town Clerk.
- (c) The Town Treasurer.
- (d) The Water Commissioner.
- (e) The heads of other departments as such departments may be created by the Town Council.

## Section 2. Election or appointment

The town officers shall be elected or appointed as follows:

- (a) The Mayor shall be elected for a term of two (2) years at the town election on the last Tuesday in March, commencing with the town election on the last Tuesday in March, 1972.
- (b) The Town Clerk shall be elected by a majority vote of the Town Council at its meeting each year on the first Monday after the town election.
- (c) The Town Treasurer shall be appointed by the Mayor and confirmed by a majority vote of the Council, and shall serve until the next succeeding organization meeting of the Council on the Monday after the town election.
- (d) The Water Commissioner shall be appointed by the Mayor and confirmed by a majority vote of the Council, and shall serve until the next succeeding organization meeting of the Council on the Monday after the town election.
- (e) The Chief of Police shall be appointed by the Mayor and confirmed by a majority vote of the Town Council. He may be removed by the Mayor with or without cause, but may not otherwise be removed.
- (f) The heads of any other departments hereafter created by the Council pursuant to this Act shall be appointed by the Mayor, confirmed by a majority vote of Council and shall serve until removed for cause by the Council.

### Section 3. Vacancies

In the event of the death, resignation or removal from the town of the Mayor, the Town Council shall, by a majority vote, elect a new Mayor, who may or may not be a member of the Council. The Mayor thus elected by Council shall serve until the next town election, at which time the voters of the town shall elect a voter of the town to serve the unexpired term, if any. If the death, resignation or removal within thirty (30) days of the next ensuing town election, and the resigning, dying or departing Mayor has a term extending beyond the next ensuing town election, Council shall fill the vacancy by a majority vote for the remainder of his term.

Vacancies in any other offices shall be filled in the same manner as original appointment, for the balance of the unexpired term.

### Section 4. Compensation

The Council shall, by ordinance, determine the salary to be paid to the Mayor, Town Treasurer, Town Clerk, and all other town officers and employees.

### Section 5. Powers and duties

(a) The Mayor shall preside over meetings of the Town Council, casting a vote in the event of a tie, shall recommend to the Council all measures connected with the affairs of the town, the protection and improvement of its government and finances, and the promotion of the welfare of its people as he shall deem desirable. He shall have the power to call special meetings of the Council when required by public necessity, and to approve or disapprove ordinances as elsewhere provided in this Act. He shall communicate to the Council at least once each year a statement of the finances and general conditions of the affairs of the town and such information on financial matters as the Council may from time to time request. He shall submit to the Council not later than ninety (90) days before the end of the fiscal year his proposed operating budget and his estimate of receipts by the town during the next ensuing fiscal year.

(b) The Town Clerk shall keep minutes of all Council

meetings, attest the signature of the Mayor when required on contracts and other documents, receive filing of candidates for town office, and maintain available for public inspection all of the records of the town.

(c) The Town Treasurer shall sign all checks on public funds, having first determined that the expenditure represented by the check has been duly authorized by the Council.

(d) Anything to the contrary herein notwithstanding, the Chief of Police shall hire and fire all police officers, with or without cause, and shall recommend to the Council the compensation to be paid to each officer.

#### **Section 6. Powers of policemen**

Cheswold policemen shall have all the powers conferred by statute and ordinance upon constables, sheriffs and state police of the State of Delaware. They shall have power to make lawful searches, seizures and arrests for violation of any statutes or ordinances in force in the town, in or outside the town limits, to serve subpoenas when ordered to do so by their superior officers, and to do such other acts as may be required of them by statute or ordinance.

#### **Section 7. Emergency police**

In case of riot, general conflagration, flood or similar grave emergency, the Mayor may authorize the Chief of Police to appoint emergency police. Such appointment shall be for a period of no more than thirty (30) days. Emergency police shall have such police powers as may be vested in them by the Mayor; shall be subject to the rules and regulations governing the regular police force; and shall receive compensation at a rate not exceeding the rate then prevailing for regular policemen of the rank or ranks to which emergency police are appointed.

#### **Section 8. Additional agencies**

Council may, by ordinance, establish a Water Department, a Sewer Department, a Board of Health, a Fire Inspector, a Building Inspector, a Plumbing Inspector, a Public Works Department, a Department of Parks and Recreation, a Zoning Commission, a

Town Charter Commission, a Planning Department, and such other departments or agencies as it may deem necessary from time to time, and such departments or agencies shall have such powers as are conferred by ordinance of the Council.

### Section 9. Zoning

The Council shall have and exercise all powers conferred upon municipalities by the applicable state statute with regard to zoning. In addition, and in no way limiting the generality of the foregoing, Council may, by ordinance, adopt a zoning map for the town, designating areas of the town as residential, commercial, or manufacturing; and may force compliance with the zoning ordinance by appropriate action in the appropriate Court of Chancery of the State of Delaware in and for Kent County, which Court is hereby given jurisdiction over any such action. Council shall hear appeals in zoning applications, and may, by ordinance, grant special exceptions. The Council may delegate any or all of its powers under this Section to a Zoning Commission, said commission to be appointed pursuant to the ordinance of the Council creating the commission.

## FISCAL AND FINANCIAL AFFAIRS

### Section 1. Town Treasurer

The Town Treasurer shall be selected and shall serve in the manner hereinbefore provided. Before commencing his service, he shall provide the Town Clerk with a fidelity bond in such amount as the Council may ordain written by any insurance company licensed to do business in Delaware, and the premium for such bond shall be paid by the town.

He shall receive, for the account of the town, all monies of every sort and description due and owing to the town, shall account to the Council for all funds received at each Town Council meeting, and shall further report to the Town Council all funds disbursed since the last meeting of the Council, in each instance reporting the cumulative disbursements from the particular appropriation account to which a disbursement is charged since the beginning of the fiscal year.

### Section 2. Fiscal year

The fiscal year of the town shall commence on July 1 of each calendar year and end on June 30 of the next succeeding calendar year.

### Section 3. Annual statement

The Town Treasurer shall, within ninety (90) days after the end of each fiscal year, issue a statement as of the end of that year showing the balance in all funds of the town, the amounts of the town's known liabilities, receipts and disbursements for the year, and such other information as is necessary to furnish a true picture of the town's financial condition. A copy of this statement shall be available at any meeting of the Town Council to any voter of the town who requests it.

### Section 4. Contracts

Before any contract shall be effective, the Town Treasurer shall approve it as to the availability of appropriated funds. He shall designate on every such contract, the appropriation under which it is made and shall give it a number in the order of its date. He shall, in the order in which each contract is numbered, charge the appropriation out of which expenditures thereunder will be made.

### Section 5. Collection of funds

The Town Treasurer shall collect all real estate and personal property taxes, penalties and interest due the town. All bills for such taxes shall be prepared in accordance with the assessments certified to the Treasurer by the Board of Assessment and shall be forwarded to the respective taxpayers as soon as possible after the receipt of the certified list. The Treasurer shall collect all income, wage, license or other taxes, and shall collect water and sewer rents if the town operates a water or sewer system.

### Section 6. Board of Assessment

The Council shall determine the true market value of all real property within the town once each year, and shall cause to be

posted in the town office a copy of the assessment roll for the year. Any taxpayer of the town aggrieved by the assessment on his property shall so notify the Council, in writing, within thirty (30) days after the posting of the assessment roll for the year. Thereafter, the Council shall hear and determine the appeal, and shall thereafter, not later than June 1 in each year, certify the assessment roll to the Town Treasurer. The Council may, by ordinance, delegate any or all of its power under this Section to a Board of Assessment, which shall be chosen in such fashion, serve for such term, and shall have such duties as the Council may ordain.

#### **Section 7. Taxation**

Not later than June 10 in each year, the Council shall determine the full amount of money necessary to be raised for the use of the town by taxation for the next ensuing fiscal year, and shall apportion such amount among the several persons and estates assessed upon the town assessment, according to a certain rate in and upon every \$100. of the said assessment, but the amount of said tax rate shall not be in excess of two per cent (2%). The Council shall then certify the rate and the assessment list to the Town Treasurer, who shall mail tax bills to all taxables of the town as hereinbefore provided.

#### **Section 8. When due and payable; penalty for late payment**

All the town taxes shall be due and payable during the months of July and August of each year and without any abatement for payment in said months. A penalty of one percent per month shall be added for each month after August thirty-first in which taxes remain unpaid.

#### **Section 9. When delinquent; collection of delinquent taxes; suit generally; penalty for failure to collect**

All town taxes shall be due and payable on the first day of July of the year in which the assessment was made, but the same shall not become delinquent until after the first day of May of the next succeeding year. If the same are not paid before the first day of May of the next succeeding year, the Town Treasurer may use whatever he deems to be reasonable means to collect such delinquent taxes without suit. The Town Treasurer may, however,

within the next six (6) months after the taxes become delinquent, begin the legal proceedings hereinafter mentioned, against all delinquent taxables. Such proceedings may be brought in time to reduce the claim for taxes to judgment before the expiration of said six (6) months, except in cases where the trial of the cause is postponed for some reason over which they have no control, but the failure of the Town Treasurer to comply with the provisions of this Section shall not affect the status of said taxes or the right to afterward collect the same; provided, however, that if any Town Treasurer shall fail or refuse to follow out the provisions of this Section, it shall not affect the status of such taxes for town purposes, but shall be deemed a misdemeanor and upon conviction he shall be punished by a fine at the discretion of the court. Conviction for such misdemeanor shall operate to remove the offender from office and render him ineligible to hold any position as an official or employee of the Town for a period of five (5) years from the date of such conviction.

#### **Section 10. Suit – institution; service of process**

Proceedings for the collection of delinquent taxes shall be by suit in an action of debt before any Justice of the Peace, in the Court of Common Pleas and in the Superior Court sitting in and for the county; judgments may be obtained in the Superior Court at the term to which the original process is returnable by filing an affidavit of demand together with a copy of the tax bills in the same manner and under the same conditions as judgments are now obtained under Section 3901 of Title 10 of the Delaware Code and the said suit shall be against the person to whom the land is assessed, or in case the land is owned by any person to whom it is not assessed, then suit may be entered against the owner or owners of said land, or against any other person whose duty it is to pay the said tax. If personal service be had upon any one of several owners of land upon which taxes are so assessed, service need not be had upon the other owner or owners of such land, if a copy of the writ is left with the tenant or any adult person in possession or is posted upon the premises six (6) days before the return of said process.

#### **Section 11. Same – Against guardian or trustee**

Suit for the purpose of collecting town taxes may be brought against the guardian or trustee and judgments recovered against

them shall be binding upon the land of the persons they represent. Any person owning or having any interest in any land upon which town taxes have been assessed, and being under the disability or infancy or incompetency of mind, and not having a guardian or trustee, may be made a defendant in any suit for collection of taxes by a guardian ad litem or trustee ad litem, to be appointed by the court upon the petition of the Town Treasurer.

#### **Section 12. Same – Against nonresidents**

In case any owner of real property who is assessed for town taxes is a nonresident, proceedings may be had in the Superior Court of the county by attachment. Said writ of attachment shall be framed, directed, executed and returned and like proceedings had as in other cases of attachment in this state, except that the Town Treasurer shall only be required to make and file with the Prothonotary an affidavit stating that the defendant resides out of state and that he is justly indebted for town taxes, and stating the amount of town taxes owed.

#### **Section 13. Title search prior to suit; fee**

The town is authorized to enter suit for the collection of all delinquent taxes and shall cause an examination of the title to be made of the property against which there is unpaid taxes, before advertising for sale said property, in order to ascertain the owner thereof and all the liens upon said property, and the owners of such liens, and there shall be paid to the person making such examination of title a fee not exceeding twenty (\$20) dollars which shall be added and collected as costs in the cause.

#### **Section 14. Execution upon tax judgment – generally**

Execution may be had upon a judgment for taxes as upon other judgments in the Superior Court; provided, however, that in any case where real property is sold upon execution on a tax judgment it shall not be necessary to issue a writ of inquisition.

#### **Section 15. Same – Title of purchaser**

Any real estate sold upon an execution issued upon a judgment for taxes shall vest in the purchaser all the right and title that the defendant or defendants in such judgment had in and to

said land, freed and discharged from any dower or courtesy, in, and to, or against said land.

**Section 16. Approval or disapproval of tax sales; disposition of excess funds**

Upon the return of any writ of execution for the collection of a judgment for taxes, the Superior Court may inquire into the circumstances and regularity of the proceedings relative to such sale, and either approve the sale or set it aside. If the court approves the sale, the sheriff shall deliver to the purchaser a certificate reciting the judgment and writ, and setting forth the facts relative to the sale, and the purchaser shall have and be possessed of all rights, subject to the right of redemption as herein provided, of the owner of said land, and the said court shall have power to make all necessary orders and rules and to issue all processes which may be necessary to place the said purchaser in possession of said real estate. If the sale be set aside, another sale may be ordered until the judgment is collected. The court shall make such disposal of all proceeds of such sale, in excess of the amount necessary to satisfy such judgment, as it shall deem just. No sale shall be approved if the owner of the property or any person having an interest therein shall be ready at court to pay the said judgment and all costs.

**Section 17. Right of owner, etc., to redeem property sold for taxes**

The owner of any property sold upon an execution issued upon a tax judgment, or his legal representatives, may redeem the property at any time within one (1) year from the day the sale is approved by the court, and if the owner or his legal representative does not redeem such property within said period, any person having any interest in said property, or lien upon such property, shall be entitled to redeem the same within eighteen (18) months of the date of such approval by the court, by paying to the purchaser or his legal representative the amount of the purchase price, and twenty (20%) percent in addition thereto, or if the purchaser or his legal representative shall refuse to receive the same, by paying said amount into said court.

**Section 18. Redeemed property subject to prior liens, etc.**

If the owner or his legal representatives shall redeem such property, he may prefer to said court a petition, setting forth the fact and thereupon the court shall cause to be entered upon the judgment a memorandum that the property therein described has been redeemed, and he shall hold such redeemed property subject to the same liens and in the same order of priority as they existed at the time of the sale thereof.

**Section 19. Deed for redeemed property**

Any person who has a lien upon such property and who shall redeem the same within the time and in the manner prescribed in Section 17; or any purchaser in case the property has not been redeemed, or their respective or representatives, may prefer a petition to the said court setting forth the facts and paying for a deed for said property, and the court shall order the then sheriff to execute and deliver a deed to the person or persons entitled thereto granting and assuring to such person or persons the same estate and title as the said owner was seized of therein at the time of the said sale.

**Section 20. Taxes to be prior lien for term of years**

All taxes for town purposes which may hereafter be lawfully assessed on real estate in the town shall constitute a prior lien thereon for a period of four (4) years from the first day of July succeeding the assessment of said taxes, but if the said real estate remains the property of the person to whom it is assessed, then the lien shall continue until tax is collected, and may, with all incidental costs and expenses, be levied by sale thereof as hereinbefore provided. The said tax lien shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may become charged with or liable to.

**Section 21. Application of proceeds of sale for taxes**

In case any property is sold under any of the provisions of this division, the proceeds of such sale shall first be applied to the satisfaction of the judgment and costs under which such property is sold, then to the payment of any unpaid town taxes assessed

against such property before any of the proceeds of such sale shall be applied to any liens of record existing against said property, notwithstanding the fact that such liens may have been entered before such taxes were levied and assessed.

#### **Section 22. Transfer of lien to funds from tax sale**

In case of the sale under execution process, of any real estate upon which such tax liens shall exist, such lien shall be transferred to the fund arising from such sale in the hands of the officer making the same, and the real estate so sold shall not be sufficient to pay and discharge the said tax lien by reason of the said real estate having been sold subject to another or other lien or liens created by said taxable, then the unpaid balance of said tax shall remain a lien upon the land so sold.

#### **Section 23. Division cumulative**

The provisions of this division, providing for the recovery of taxes, are cumulative, and the Town Treasurer is hereby authorized and directed to pursue any or all of said provisions until all town taxes are fully collected, together with costs.

#### **Section 24. Procedure to authorize sale**

In addition to all existing methods and authority for the collection of taxes or special assessments due to the town, the following method and authority is hereby established:

The town may file, or cause to be filed, a praecipe in the office of the Prothonotary of the Superior Court, in and for the county, which shall contain the name of the person against whom the taxes or assessments sought to be collected were assessed, and a copy of the bills showing the amount of taxes or assessment due and the property against which the assessment was laid, and a statement of the index numbers of such property as the same appear upon the assessment rolls of the town, shall be sufficient identification and description of the said property. Thereupon the said Prothonotary shall make a record of the same on a special judgment docket of said Superior Court against the property mentioned or described in said praecipe which said record shall consist of the following:

(a) The name of the person in whose name the assessment was made;

(b) The index numbers of said property, as the same shall appear upon the assessment rolls of the town;

(c) The year or years for which said taxes are due and payable;

(d) The date the filing of such praecipe;

(e) The amount of the judgment, the same being the amount set forth in said praecipe.

Such judgment shall be indexed in the judgment docket itself under the index number for said property appearing upon the assessment rolls of the said town, and by referring to the page in said judgment docket whereon the record aforesaid shall appear. Thereafter upon a praecipe for monition filed in the office of the said Prothonotary by the town through any person authorized on its behalf to collect taxes or assessments due to said town, a monition shall be issued by the Prothonotary aforesaid to the Sheriff of the county, which monition shall briefly state the amount of the judgment for the taxes or assessment due and the years thereof, together with a brief description of such property by street and number or by the index number appearing upon the assessment roll of the said town shall be a sufficient description. Said monition shall be in substantially the following form:

(a) The name of the person in whose name the assessment was made;

(b) The index numbers of said property, marked with the appropriate letter identifying the district in which said property is located as herein stated, as the same shall appear upon the assessment rolls of the town;

(c) The year or years for which said taxes are due and payable;

(d) The date of the filing of such praecipe;

(e) The amount of the judgment, the same being the amount set forth in said praecipe.

Such judgment shall be indexed in the judgment docket itself under the index number for said property appearing upon the assessment rolls of the said town, and by referring to the page in said judgment docket whereon the record aforesaid shall appear. Thereafter upon a praecipe for monition filed in the office of the said Prothonotary by the town through any person authorized on its behalf to collect taxes or assessments due to said town, a monition shall be issued by the Prothonotary aforesaid to the Sheriff of the county, which monition shall briefly state the amount of the judgment for the taxes or assessment due and the years thereof, together with a brief description of such property by street and number or by the index number appearing upon the assessment roll of the said town shall be a sufficient description. Said monition shall be insubstantially the following form:

“To all persons having or claiming to have any title, interest or lien upon the within described premises, take warning that unless the judgment for the taxes or assessment stated herein is paid within twenty (20) days after the date hereof or within such period of twenty (20) days, evidence of the payment of taxes herein claimed shall be filed in the office of the Prothonotary, which evidence shall be in the form of a receipted tax bill or duplicate thereof, bearing date prior to the filing of the lien in the office of the Prothonotary for Kent County, the town may proceed to sell the property herein mentioned or described for the purpose of collecting the judgments for the taxes or assessments hereinstated.

Name of person in whose name property is assessed	Index Number of City Assessment	Description of property	Year or Years	Amount of Judgment”
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Said monition, or a copy thereof, shall be posted by the Sheriff upon some prominent place or part of the property against which said judgment for the taxes or assessment is a lien, and the Sheriff shall make due and proper return of his proceedings under said monition to said Prothonotary, within ten (10) days after the posting of said monition as aforesaid.

Alias or pluries monition may issue upon like praecipe. The posting of said notice as herein required shall constitute notice to the owner or owners and all persons having any interest in said property.

At any time after the expiration of twenty (20) days next following the return of the Sheriff upon such monition, unless before the expiration of said twenty (20) days the said judgment and costs on said judgment shall be paid or evidence of the payment of such taxes evidenced by a receipted tax bill or a duplicate thereof bearing date therefor prior to the filing of said lien for record in the office of the Prothonotary as aforesaid, upon application in writing by the town, through the town, or any other person authorized on its behalf to collect taxes or assessments due to the said town, a writ of venditioni exponas shall be issued out of the office of the said Prothonotary directed to the Sheriff commanding the Sheriff to sell the property mentioned or described in said writ and make due return of his proceedings thereunder in the same manner as is now applicable with respect to similar writs of venditioni exponas issued out of the said Superior Court.

Said writ shall be substantially in the following form:

“KENT COUNTY, SS.

“The State of Delaware.

“TO THE SHERIFF OF KENT COUNTY, GREETINGS:

“WHEREAS, by a Monition issued out of the Superior Court Dated at Dover, the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_. IT WAS COMMANDED that you should post the said Monition or copy thereof upon the real estate therein mentioned and described, and make a return to the said Superior Court within ten (10) days after said posting.

“That on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_, you returned that a copy of the said Monition was posted on the real estate therein mentioned and described on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_.

“We therefore now command you to expose to public sale, the real estate mentioned and described in said Monition as follows: and that you should cause to be made as well a certain debt of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)

lawful money of the United States, which to the said Town of Cheswold, a Municipal corporation of the State of Delaware, is due and owing, as also the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_ ) lawful money as aforesaid, for its costs, which it has sustained by the detaining of that debt, whereof the said \_\_\_\_\_ was convicted as it appears of record and against which said property it is a lien:

“And have you that money before the Judges of our Superior Court at Dover, on Monday the \_\_\_\_\_ day of next, to render to the said Town of Cheswold, a Municipal corporation as aforesaid, for its debt and costs as aforesaid, and this writ:

“ W I T N E S S E T H ,    t h e    H o n o r a b l e  
\_\_\_\_\_ at Dover, the day of  
A.D. 19\_\_\_\_ .

\_\_\_\_\_  
Prothonotary.”

Issued: The description contained in such Motion shall be a sufficient description of the real estate to be sold under said writ.

#### Section 25. Rights acquired upon purchase

Any real estate or interest sold under the provisions hereof shall vest in the purchaser all the right, title and interest of the person in whose name said property was assessed, and/or all right, title and interest of the person or persons who are the owners thereof, and likewise freed and discharged from any dower or curtesy or statutory right, in the nature of a dower or curtesy, whether absolute or inchoate, in or to said real estate.

#### Section 26. Redemption generally; deed

The owner of any such real estate sold under the provisions of this division or his legal representatives may redeem the same at any time within one (1) year from the day the sale thereof is approved by the court, by paying to the purchaser or his legal representatives, successors or assigns, the amount of the purchase

price, the cost of any repairs which the purchaser may be required to make by the town through any of its agencies, and fifteen percent (15%) in addition to such purchase price and cost of such repairs, together with all costs incurred in the cause, or if the purchaser or his legal representatives, successors or assigns shall refuse to receive the same, or do not reside or cannot be found within the town, by paying said amount into said court for the use of said purchaser, his legal representatives or assigns. Provided, however, that the provision relating to the cost of repairs which the purchaser may be required to make by the town through any of its agencies shall not apply in any cases of sales under this Chapter prior to the effective date of this amendment.

In the event that the owner of said property or his legal representatives shall fail to redeem said property as herein provided, the purchases of said property or his legal representatives, successors or assigns may present a petition to the Superior Court setting forth the appropriate facts in conformity with this division and pray that the said Superior Court make an order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed conveying the title to said property to the petitioner, and thereupon the said Superior Court shall have power, after a hearing upon said petition, to issue an order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in said petition, and a description of said property by the index number for said property upon the assessment roll of the town, together with a description of said property made from a map of the assessed property in the town in the office of the Board of Assessment for the said town shall be a sufficient description in any such deed.

If the owner of any real estate sold under an order of sale or his legal representative shall redeem said real estate, he may prefer to said Superior Court a petition setting forth that fact and thereupon the said Superior Court, after hearing and determining the facts set forth in said petition, the said Superior Court shall have power to cause to be entered upon the record of the judgment, under which said real estate was sold, a memorandum that the real estate described in the proceedings upon which said judgment was entered has been redeemed and thereafter the said owner shall hold such redeemed real estate subject to the same liens and in the same order of priority as they existed at the time of the sale thereof, excepting so far as the said liens have been

discharged or reduced by the application of the proceeds by the said Sheriff from the said sale.

**Section 27. Confirmation of sale**

Upon the return of the proceedings under said writ of venditioni exponas, the Superior Court may inquire into the regularity of the proceedings thereunder, and either approve the sale or set it aside.

**Section 28. Fees and costs**

The fees and costs to be taxed in all proceedings under this division where not otherwise provided for, shall be as follows:

The following fees shall be charged by the Prothonotary:

Filing praecipe .....	\$5.00
Issuing monition and copy .....	5.00
Issuing alias or pluries, monition and copy .....	5.00
Writ of venditioni exponas .....	5.00
Filing any petition in Superior Court	
under this division .....	1.00
Costs of paying money into Superior Court .....	1.00
Costs of paying money out of Superior Court	
for each check drawn .....	2.00

All other charges not covered by this division shall be the same as are now provided by law.

**Section 29. Proceedings not to be brought unless tax a lien**

No proceedings shall be brought under this division unless the tax or assessment sought to be collected hereunder shall at the time of the filing of said praecipe in the office of the Prothonotary be and constitute a lien upon the property against which the tax or assessment was assessed or laid.

**Section 30. Certificates of tax liens**

It shall be the duty of the said Town Treasurer, on demand and tender of fees, to furnish certificates, under their respective hands and official seals, of all such taxes which are a lien on real

estate in their respective districts. The fee shall be twenty-five cents (\$.25) for each certificate. The duties required of the Town Treasurer under this Section shall be one of their obligations covered by the conditions in their official bonds.

### **Section 31. Forgiveness of taxes prohibited**

The Council shall not have power to release or exempt any person or persons who are liable to taxation from their proper share or proportion of the taxes of the city either by commutation for services, by gratuity, or otherwise.

### **Section 32. Rules of construction**

Wherever the Superior Court is mentioned in this division, the same shall be held to embrace the judges or any judge thereof, and any act required or authorized to be done under this division may be done by the said Superior Court or any judge thereof in vacation thereof, as well as in term time.

## **TOWN DEBT**

### **Section 1. Authority to issue bonds for certain public projects**

The town shall have power to issue, from time to time, bonds of the town to finance the cost of any object or purpose for which it has lawful authority to raise or appropriate or expend money and which is not a current expense of the town and which has a period of usefulness of at least five (5) years. Such objects or purposes shall include, but not be limited to, the acquisition, construction, reconstruction, improvement, extension, enlargement and equipment of water supply systems, sewage disposal systems, electric systems, fire houses, police stations, libraries, museums, auditoriums, hospitals and all other buildings suitable for the use of the town, highways, streets, curbs, sidewalks, gutters, bridges, boulevards, parks, playgrounds, recreation centers, incinerators, wharfs, docks, harbors, sea walls, storm sewers, culverts and drains, the acquisition of fire fighting and other equipment or mobile property, furnishings, machinery and apparatus. The cost of any object of purpose financed by the issuance of bonds under this article shall include the cost of issuing the bonds and any expenses incident thereto.

## **Section 2. Article to be construed as additional authority to issue bonds**

The powers conferred by this article shall be in addition to and not in lieu of or substitution for the powers conferred by any other law. Bonds may be issued hereunder for any object or purpose notwithstanding that any other law may provide for the issuance of bonds for the same or like purposes and without regard to the requirements, restrictions or other provisions contained in any other law. Bonds may be issued under this article notwithstanding any debt or other limitation prescribed by any other law, and the mode and manner of procedure for the issuance of bonds under this article need not conform to the provisions of any other law.

## **Section 3. Bond ordinance**

Bonds issued by the town pursuant to this article shall be authorized by an ordinance passed by the Council. Each such ordinance shall state in brief and general terms the object or purpose for which the bonds are to be issued, the period of probable usefulness of such object or purpose, the maximum aggregate principal amount of the bonds to be issued under the ordinance, the date upon which each installment of the bonds shall become due and payable and the maximum rate of interest to be borne by the bonds. All matters not required to be determined by such an ordinance may be determined by subsequent resolutions passed by the Council.

## **Section 4. Term and payment of bonds**

The period of probable usefulness stated in any ordinance shall be computed from the date of the bonds thereby authorized and may not exceed thirty (30) years. The bonds authorized by each ordinance shall mature in annual installments, the first of which shall be payable not more than one (1) year after the date of such bonds and the last of which shall be payable not later than the end of the period of probably usefulness determined by the ordinance authorizing the bonds. No annual installment shall be more than fifty (50%) per centum in excess of the smallest prior installment.

### **Section 5. Form of bonds**

Bonds issued pursuant to this article shall be negotiable instruments and shall be bonds payable to bearer with coupons attached for the payment of interest to bearer, but provision may be made for the registration of such bonds as to principal only or as to both principal and interest. The aggregate principal amount of bonds to be issued under the ordinance authorizing such bonds, the rate or rates of interest they shall bear, and the times and place or places of payment of the principal of and interest on the bonds shall be fixed by resolution or resolutions adopted by the Council. Such bonds may be made subject to redemption prior to their respective maturities with or without premium and the bonds may be made payable at such place or places either within or without the state as the Council may by resolution provide. Such bonds, and any interest coupons representing the interest thereon, shall be issued in such form and shall be executed in such manner as the Council may prescribe. The delivery of bonds executed in the manner prescribed by the Council shall be valid notwithstanding any change in the officers or in the seal of the town occurring after the signing and sealing of the bonds.

### **Section 6. Sale of Bonds**

Bonds issued pursuant to this article shall be sold by the Council as the Council may determine, and shall be sold for not less than par and accrued interest at public or private sale, upon such terms, conditions and regulations as the Council may prescribe.

### **Section 7. Use of proceeds limited to stated purpose**

The proceeds of the sale of bonds issued under this article shall be used only for the object or purpose or objects or purposes specified in the ordinance authorizing such bonds or for the payment of the principal of and interest on temporary loans made in anticipation of the sale of such bonds. If for any reason any part of such proceeds are not applied to or are not necessary for such purposes, such unexpended part of such proceeds shall be applied to the payment of the principal of or interest on such bonds.

**Section 8. Maximum indebtedness; exclusion of certain issues in computation**

Bonds shall not be issued pursuant to this article if their issuance would increase the aggregate principal amount of all bonds of the town, then outstanding, to an amount in excess of fifteen (15%) per centum of the assessed valuation of the real estate taxable by the town. In computing the aggregate principal amount of bonds of the town for such purpose, there shall be excluded all bonds issued by the town for the purpose of providing a supply of water for the town, and all bonds issued which do not pledge the general taxing power of the town, but pledge only revenues from a particular project.

**Section 9. Borrowing in anticipation of bond issue**

Whenever the Council shall have authorized the issuance of bonds by an ordinance adopted pursuant to this article, the Council may borrow money in anticipation of the issuance of such bonds so authorized and, for such purpose, may issue, and from time to time renew, negotiable bond anticipation notes of the town, of an aggregate principal amount not exceeding the principal amount of such bonds authorized by such ordinance. The Council shall authorize such notes by a resolution or resolutions which shall determine the date on which such notes are to be payable, the maximum principal amount thereof and the rate or maximum rate of interest to be borne thereby and the manner of their signing. The Council in such resolution may delegate to the Town Treasurer authority to sell the notes thereby authorized, either at public or private sale, and to determine within the limitations prescribed by such resolution the rate of interest to be borne by such notes and the principal amount thereof. Moneys raised by the issuance of notes in anticipation of the issuance of bonds shall be used only to finance the object or purpose for which the proceeds of the bonds may be used and such proceeds shall be applied, to the extent necessary, to pay and retire such notes.

**Section 10. Full faith and credit of town; tax levy**

The full faith of the town shall be deemed to be pledged for the punctual payment of the principal of and interest on every bond and note issued under this article, except such bonds and

notes as shall, on their face, delimit the obligations owed to bondholders to a pledge of revenues from water or other specific town projects. The Council shall annually levy and collect a tax ad volorem upon all taxable property in the town sufficient to pay the principal of and interest on each such bond or note as such principal and interest become due, except as herein otherwise provided.

## REVENUE BONDS

Section 1. Notwithstanding any other provisions herein contained, the town may issue bonds, notes, mortgages or other evidences of indebtedness for any purpose permitted by Section 103 of the Internal Revenue Code of 1954, as now amended or hereafter amended; pledging for the payment thereof such income from specific projects or general revenues of the town as the Town Council may ordain.

### Section 2. Powers of town with respect to revenue bonds

In addition to the powers which it may now have, the town shall have power under this article:

(a) To plan, construct, acquire, reconstruct, improve, better or extend any undertaking within or without the territorial boundaries of the town, or partially within or partially without the town, for any purpose authorized for exempt organizations under Section 103 of the Internal Revenue Code of 1954, as now amended or hereafter amended, and to acquire lands or rights in land or water rights in connection therewith. No land or rights therein belonging to any public utility and used by it in its service to the public shall be taken by the town under the powers herein conferred. Whenever any portion of a public highway is vacated by the town in order to facilitate any undertaking, the town shall reimburse any public utility affected for the expense incurred by it in relocating its facilities previously constructed in said highway to a new location.

(b) To issue its bonds to finance, either in whole or in part, the cost of the planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking.

(c) To pledge to the punctual payment of said bonds and interest thereon an amount of the revenues of such undertaking (including the revenues of the existing facilities, if any, comprising an undertaking which is being improved, bettered or extended, and the revenues to be derived from any improvements, betterments, extensions thereafter constructed or acquired), or any part of such undertaking, sufficient to pay, on either equal or priority basis, said bonds and interest as the same shall become due and to create and maintain reasonable reserves therefor, which amount may consist of all or any part or portion of such revenues; and

(d) To accept from any authorized agency of the state or federal government, or from persons, firms, or corporations, grants or contributions for the planning, construction, acquisition, lease, reconstruction, improvement, betterment or extension of the undertaking and to enter into agreements with such agency respecting such loans and grants. The governing body of the town in determining the cost of acquiring or constructing any undertaking may include all costs and estimated costs of the issuance of said bonds, all planning, engineering, inspection, fiscal and legal expenses, and interest which it is estimated will accrue during the construction period and for six (6) months thereafter of money borrowed or which it is estimated will be borrowed pursuant to this article.

(e) Any buildings, structures or facilities acquired by the town hereunder which are to be utilized in the manufacturing, processing, assembling, storing or handling of any agricultural or manufactured produce or produce of mining or industry, which may be acquired for operation by a corporation, entity or persons other than the town, as distinguished from buildings, structures or facilities acquired by the town for operation by the town as harbor, terminal and allied facilities for the direct use of the public, shall be acquired and financed hereunder only if prior to the issuance of bonds therefor the municipality, shall have entered into a lease or leases thereof or an agreement or agreements for the sale thereof pursuant to the terms of which the lessees or purchasers shall pay to the town such rentals or installment purchase payments, or both, as upon the basis of determinations and findings to be made by the town, will be fully sufficient to pay principal of and interest on the bonds issued for the financing thereof, to build up and maintain any reserves deemed by the town to be advisable in connection therewith, and to pay the cost

of maintaining the buildings, structures and facilities in good repair and keeping them properly insured, unless the leases or agreements obligate the lessees or purchasers to pay for such insurance or maintenance. The town is granted full power and discretion to enter into any such agreements or leases as may in its judgment be desirable for the best interests of the town. Any such agreement or lease may provide that any surplus capacity of the buildings, structures or facilities which are the subject matter thereof may be utilized by and for the benefit of the general public, in which event such surplus capacity may be maintained or operated, or both, by either the Council or by the lessee or purchaser under the lease or agreement, or in part by each, all as may be provided in the lease or agreement. Any undertaking may include in part one or more buildings, structures or facilities or combinations thereof to be leased or sold as provided in this paragraph, and in part other buildings, structures or facilities to be operated by the town, the revenues of the whole being allocated and pledged to the financing of the undertaking as a whole, and in such event, the requirements of this paragraph applicable to buildings, structures or facilities to be leased or sold shall be applicable only to the part of the undertaking which consists of the buildings, structures or facilities to be so leased or sold.

### **Section 3. Authorization of undertaking; form, content, etc., of bonds.**

The planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking may be undertaken by the Council under this article and bonds may be authorized under this article by ordinance or ordinances of the Council, and such bonds may be issued from time to time as may be determined by such ordinance or ordinances. Said bonds shall bear interest at such rate or rates, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their respective dates, may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemptions, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such ordinance or subsequent ordinances may provide. After such bonds shall have been authorized by ordinances adopted by the Council, the bonds shall be sold by the Council in such manner

and on such terms as the Council may prescribe. Pending the preparation of the definite bonds, interim receipts or certificates in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this article.

All powers granted the municipality and all things authorized to be done by the governing body and by the Council under the provisions of this article may be exercised and done without the necessity for approval thereof by any other council, agency, instrumentality, department, or political subdivision of the municipality or of the State of Delaware.

Nothing continued in this article shall be so construed as to prevent the execution of leases and agreements by the Council for the lease or sale of all or any part of any understanding, as long as it is expressly found by the Council that the revenues to be derived from such lease or agreement, together with the other revenues of the undertaking, will be sufficient to carry out the requirements of Sections 8 and 9 of this article. All rentals and payments received by the municipality under the provisions of any such lease or agreement shall be regarded as revenues of the undertaking within the meaning of paragraph (d) of Section 2 of this article.

#### **Section 4. Covenants in ordinance authorizing issuance of bonds**

Any ordinance or ordinances authorizing the issuance of bonds under this article may contain covenants as to (a) the purpose or purposes to which the proceeds of sale of said bonds may be applied and the use and disposition thereof, (b) the use and disposition of the revenue of the undertaking for which said bonds are to be issued, including the creation and maintenance of reserves, (c) the issuance of other or additional bonds payable from the revenue of said undertaking, (d) the operation and maintenance of such undertaking, (e) the insurance to be carried thereon and the use and disposition of insurance moneys, (f) books of account and the inspection and audit thereof, and (g) the terms and conditions upon which the holders of said bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by the appropriate court, which court shall have jurisdiction in such proceedings, and which receiver may

enter and take possession of said undertaking, operate and maintain the same, prescribe rates, fees, or charges, and collect, receive and apply all revenue thereafter arising therefrom in the same manner as the municipality itself might do. The provisions of this article and any such ordinance or ordinances shall be enforceable by any bondholder, by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction.

In the discretion of the governing body, any issue of bonds hereunder may be secured by a trust indenture by the between the municipality and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state. Such trust indenture may pledge or assign revenues, earnings and rentals to be received by the municipality from the operation, rental or sale of the undertaking. In addition to the covenants hereinabove in this Section authorized to be contained in any ordinance authorizing bonds hereunder, any such provisions for protecting and enforcing the rights and remedies of the bondholders and securing the prompt payment of principal of and interest on the bonds as may be reasonable and proper and not in violation of the law and as may be designed to enhance the marketability of the bonds.

#### **Section 5. Validity of bonds**

Said bonds bearing the signature of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the municipality issuing the same. The validity of said bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the planning, acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of the undertaking for which said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this article, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

#### **Section 6. Liens of bonds**

All bonds issued hereunder shall enjoy such parity with or

priority over other bonds of the same issue and any bonds which may thereafter be issued payable from the revenues of the same undertaking as may be provided in the ordinances authorizing the issuance of the bonds.

**Section 7. Bonds not subject to debt limitation; levy of the taxes, etc., for payment**

The municipality may issue bonds, either in whole or in part, of the total amount necessary to finance any undertaking under this article. All bonds issued under this article shall be in addition to and not within the limitations of any limitations on the indebtedness of the municipality which may be in existence at the time of the issuance of such bonds.

Any bonds issued hereunder for any undertaking which is in whole or in part to be rented by the municipality for operation by a corporation, entity or persons other than the municipality for utilization in the manufacturing, processing, assembling, storing or handling of any agricultural or manufactured produce or produce of mining or industry, or which is to be sold for such purpose pursuant to an installment purchase agreement as above authorized shall be payable solely from the revenue of the undertaking and shall not be deemed to constitute an indebtedness of the municipality or a pledge of the faith and credit of the municipality, and such bonds shall not directly or indirectly or contingently obligate the municipality to levy or to pledge any form of taxation whatever therefor, and each such bond shall contain on its face recitals to the foregoing effect.

Any bonds issued hereunder for other purposes may in the discretion of the governing body be made general obligations of the municipality to the payment of which the faith and credit of the municipality are pledged, and as to bonds issued secured by such pledge, the governing body shall have power to levy ad valorem taxes without limitation as to rate or amount upon all property taxable by the municipality to raise any money which may be required to pay such bonds and the interest thereon as the same become due and payable.

It is hereby further determined and declared that the carrying out of the purposes of this article and the powers and duties imposed in the municipality, the governing authority and the

Board will constitute the performance of an essential governmental function of the municipality and of the State of Delaware, will promote the natural resources of the state and will benefit the inhabitants of the municipality and the state, and accordingly it is provided and the state covenants with the holders from time to time of the bonds issued hereunder: (1) No taxes or assessments imposed by the state or any of its political subdivisions or taxing districts, including the municipality, shall be imposed upon any property acquired by the municipality under the provisions hereof or upon any property under the jurisdiction, control, possession or supervision of the Council, and no such taxes or assessments shall be imposed upon any of the activities of the Council in the operation or maintenance of any such properties or on any income derived by the municipality, or the Council from such facilities or otherwise; and (2) that all bonds issued hereunder, their transfer and the income therefrom shall always be exempt from taxation within the state. The purposes to be effected by this article are hereby expressly found and declared to be public uses for which public money may be spent and private property may be acquired by the exercise of the power of eminent domain.

**Section 8. Undertakings to be self-supporting; establishment of rates, charges, etc.**

The Council of the municipality issuing bonds pursuant to this article shall prescribe and collect reasonable rates, fees or charges for the services, facilities and commodities of such undertaking, and shall revise such rates, fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will procure revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor.

**Section 9. Use of revenue from undertaking**

The municipality issuing revenue bonds pursuant to this article for the planning, acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of any

undertaking shall have the right to appropriate, apply or expend the revenue of such undertaking for the following purposes:

(a) To pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor.

(b) To provide for all expenses of operation and maintenance of such undertaking, including reserves therefor.

(c) To pay and discharge notes, bonds or other obligations and interest thereon, not issued under this article for the payment of which the revenue of such undertaking is or shall have been pledged, charged or encumbered.

(d) To pay and discharge notes, bonds or other obligations and interest thereon, which do not constitute a lien, charge or encumbrance on the revenue of such undertaking, which shall have been issued for the purpose of financing the planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of such undertaking.

(e) To repay any advance or loan made by the municipality to meet current advance or loan made by the municipality to meet interest on outstanding bonds.

(f) To provide a reserve for betterments to such undertaking. Unless and until adequate provision has been made for the foregoing purposes, the municipality shall have no right to transfer the revenues of such undertaking to its general funds.

#### **Section 10. Construction of undertaking**

Any building, structure or facility to be constructed or acquired hereunder as part of an undertaking may be acquired or constructed pursuant to such contracts and agreements as may be provided by the Council without necessity for compliance with any statutory provision not contained in this article, and the proceeds of any bonds issued hereunder may be held, secured and paid out for the cost thereof in such manner as may be provided by the Council prior to the issuance of such bonds. The expenditure of all such bond proceeds shall be under the jurisdiction of the Board.

Section 11. Limitation of actions

After the authorization, but prior to the issuance, of any bonds hereunder, the governing body may in its discretion cause to be published once in each of two consecutive weeks in at least one newspaper published in Kent County, a notice in substantially the following form:

The Mayor and Council of Cheswold, acting through The Council, have on the \_\_\_\_\_ day of \_\_\_\_\_ day of (repeat as often as necessary) provided for the issuance of \$ \_\_\_\_\_ bonds of the Mayor and Council of Cheswold for the purpose of financing the acquisition of .....

..... which bonds are payable from..... Such bonds are further secured by .....

Any action or proceeding questioning the validity of any of said proceedings or said bonds or the instruments securing such bonds must be commenced within twenty (20) days after the first publication of this notice.

\_\_\_\_\_ Mayor

Attest:

\_\_\_\_\_ Town Clerk

Any action or proceeding in any court to set aside any of the aforesaid proceedings or to contest the validity of any such bonds or related documents or instruments, must be commenced within twenty (20) days from the first publication of the above-mentioned notice. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of such proceedings, documents or instruments or of the bonds, shall be asserted, nor shall the validity thereof be open to question in any court upon any ground whatever except in an action or proceeding commenced within such period.

### Section 12. Construction of article

The powers conferred by this article shall be in addition and supplemental to the powers conferred by any other general, special or local law. The undertaking may be planned, acquired, purchased, constructed, reconstructed, improved, bettered, and extended, and bonds may be issued under this article for said purposes, notwithstanding that any general, special or local law may provide for the planning, acquisition, purchase, construction, reconstruction, improvement, betterment, and extension of a like undertaking, or the issuance of bonds for like purposes, and without regard to the requirements, restrictions, limitations or other provisions contained in any other general, special or local laws, including, but not limited to, any requirement for the approval by the voters of the municipality or any existing debt limitations. Insofar as the provisions of this article are inconsistent with the provisions of any other general, special or local law, the provisions of this article shall be controlling.

### Section 13. Severability of article

It is hereby declared that the Sections, clauses, sentences and parts of this article are severable, are not matters of mutual essential inducement, and any of them may be excised by any court of competent jurisdiction, and if any provision shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision so held unconstitutional or invalid, and the inapplicability or invalidity of any Section, clause, sentence or part of this article in any one or more instances shall not be taken to affect or prejudice in any way the applicability or invalidity in any other instances.

## ANNEXATION

### Section 1. Annexation

The Council of the town of Cheswold shall have power to annex, by ordinance, any territory contiguous to the town of Cheswold whenever requested to do so, in writing, by the record owner of the property or properties to be annexed. Upon the adoption of an annexing ordinance, a certified copy of the annexing ordinance, together with the written consent of the

record owner of the property or properties being annexed, should be filed of record, in the office for the recording of deeds, in and for Kent County, and Section 2, "Town limits", of this act shall thereby be deemed to be amended so as to include the annexed territory within the town limits.

### Section 2. Annexation by referendum

In the alternative, the Council may annex by referendum, in which event the procedure shall be as follows:

(a) The Council shall adopt an ordinance describing the metes and bounds of the land proposed to be annexed. The ordinance shall list the name and address of each property owner in the area proposed to be annexed, as shown on the records of the Board of Assessment of Kent County. The ordinance shall fix the date of the annexation referendum, which date shall be not less than thirty (30) nor more than sixty (60) days after the adoption of the ordinance.

(b) Within seven (7) days after the adoption of the ordinance, the Town Clerk shall cause a copy of the ordinance to be mailed by registered or certified mail to each person owning the property in the area proposed to be annexed, as shown by the records of the Board of Assessment of Kent County. The Town Clerk shall also cause a copy of the ordinance to be published in a newspaper of general circulation in Kent County in two separate issues of such newspaper, and the second publication shall be not later than fifteen (15) days preceding the date of the annexation referendum.

(c) The polls in the annexation referendum shall be open in the Cheswold Town Office, or at such other public place within the town as may be designated by the ordinance, from 12:00 noon until 5:00 p.m. Every property owner whether an individual, a partnership, or a corporation, both in the town of Cheswold and in the territory proposed to be annexed, shall have one vote for each \$100 assessment as shown by the records of the Board of Assessment of Kent County. Every citizen of either the town of Cheswold or of the territory proposed to be annexed who is not a property owner shall have one vote. In case of property owned by a husband and wife jointly, the husband and wife shall each have one vote for each \$200 of assessment. An individual holding a

power of attorney duly executed and acknowledged and specifically authorizing the said individual to vote at the annexation referendum shall file a duly authenticated copy of the power of attorney with the Town Clerk, and such power of attorney shall be conclusive evidence of the right of said individual to vote in the annexation referendum.

(d) The Council shall cause to be prepared, printed and have available a sufficient number of ballots not less than five (5) days prior to the date of the annexation referendum, in the following form:

THIS BALLOT CASTS                      VOTES

For the proposed annexation. ....

Against the proposed annexation. ....

(Check one)

(e) The Mayor shall appoint three (3) persons to act as a Board of Special Election, at least one of whom shall be a resident and property owner in the town of Cheswold, and at least one of whom must be a resident and property owner in the territory proposed to be annexed or be a representative of an individual, partnership or corporation which owns property in the territory proposed to be annexed. The Board of Special Election shall conduct the election, and shall decide, by a majority vote, all questions relating to voter eligibility, validity of ballots and similar matters.

(f) The Council shall provide two (2) separately marked ballot boxes. Voters entitled to vote in the town of Cheswold shall deposit their ballots in one ballot box, and voters entitled to vote in the area proposed to be annexed shall deposit their ballots in the other ballot box. Voters owning property both in the town of Cheswold and in the area proposed to be annexed shall vote the number of votes to which property in the town of Cheswold entitles the voter in the ballot box for votes from within the town, and shall deposit his ballot for the number of votes to which he is entitled because of property in the area proposed to be annexed in the ballot box for the territory proposed to be annexed.

(g) Immediately upon the closing of the polling place at 5:00 p.m., prevailing time, the Board of Special Election shall separately count the ballots for and against the proposed annexation cast by those entitled to vote in the town of Cheswold and in the area proposed to be annexed, and shall announce the result thereof. The Board shall make a certificate of the number of votes cast for and against the proposed annexation in the town of Cheswold and in the territory proposed to be annexed. Such certificate shall be filed with the Council.

(h) If the certificate shows that a majority of votes cast both within the town of Cheswold and in the area proposed to be annexed favor the annexation, the Council shall cause a description and a plot of the territory so annexed to be recorded in the office of the Recorder of Deeds for Kent County, and such recording shall be perfected within ninety (90) days after the date of the Annexation Referendum. Upon recording as aforesaid, the territory proposed to be annexed, shall be deemed annexed for all purposes.

**Section 1. Liability of town with respect to unaccepted, etc., streets**

The town shall not be liable for the care, maintenance or upkeep, nor shall it be liable in damages for any injuries or death sustained by reason of the condition of any street, lane or alley in the town, unless the same shall have been accepted by formal action of the Council as a public street of the town, or unless the same shall have been opened, graded or curbed by the town.

**Section 2. Laying of pipe, power lines, etc., under, etc., streets**

In case of the introduction into, through, under or along the streets of the city, with the consent of the Council, of steam-power or heating pipes, or underground telegraph, telephone or electric-light wires, the Council shall require, before such work shall commence, payment into the treasury of the town as a guarantee, or some other satisfactory security, that the streets shall not be unnecessarily torn up or obstructed, or kept or left out of repair, or travel unwarrantably impeded, and that the town shall be indemnified against loss, and it shall further require a bond, with personal security thereon, to the town, with warrant of

attorney for the entering judgment thereon, in such sum as the Council may deem proper, conditioned to indemnify and save harmless any and all persons, inhabitants of the said town, their persons, goods, chattels, lands and tenements from loss, damage or expense, from or by reason of the introduction into the streets of the said town of such steam-power or heating pipes, or underground telegraph, telephone or electric-light wires, which bond shall be held by the said town for the use of any and all persons who may be aggrieved or suffer loss, damage or expense by reason of the premises, to be accorded to them upon petition of the person aggrieved, under such restrictions as the Council may impose; and the Council may, when in its judgment the public interests may so require, cause, at the expense of the parties laying or owning the same, such pipes or wires to be removed in whole or in part, or impose such restrictions upon the use thereof as it may think fit in reference to the public interests.

**Section 3. Trees in streets, etc. — Powers of Council generally**

The Council shall have full power and authority over all trees planted and to be planted in the streets, highways, lanes and alleys in the town, including the right to plant new trees and to care for the same and to remove trees, living or dead, and to train, spray and otherwise care for such trees.

**Section 4. Same — Removal of dangerous, etc., trees**

Whenever in the opinion of the Council any tree, or part thereof, living or dead, in any of the streets, highways, lanes or alleys of the town becomes defective or dangerous to public travel on such streets, highways, lanes or alleys, or injurious to sidewalks, curbs, sewers or drains, the same Council shall have power to cause a notice to be served upon the property owner in front of whose property such tree exists, requiring the property owner, within a time therein stated, which time shall be not less than three (3) days, to cause said tree or trees to be removed, and the ground or sidewalk whereon said tree existed to be restored to a condition equal to the adjoining ground or sidewalk, at the expense of said property owner. In case such property owner shall fail to cause the removal of any such tree or trees as required by such notice, the Council shall have power to cause the same to be removed and shall charge the cost of same to said property owner, and may

recover the same in any appropriate action in any court of competent jurisdiction. Service of said notice may be made by leaving a copy thereof upon the premises, if same is occupied, or by posting a copy thereof upon the premises, if unoccupied, or forwarding a copy thereof by letter, duly stamped, sealed and registered, addressed to the occupant of the premises or the owner thereof, and the registered receipt, signed by such occupant or owner, shall be sufficient evidence of the service of such notice.

**Section 5. Opening, extending, widening, etc., streets — Amount of damages to be paid or tendered**

Before any property or ground shall be taken or occupied for the purpose of extending, widening, laying out or opening any street, square, lane or alley, the owner or owners of such property or ground shall be paid or tendered such damages as they shall respectively be entitled to receive, which damages shall be assessed in the manner provided by law.

**Section 6. Same — Apportionment and disposition of benefits or damages**

In any proceeding taken for extending, widening, laying out or opening any street, square, lane or alley under the provisions of the preceding Section, the Council, in assessing the damages that may result from the extending, widening or laying out or opening of such street, square, lane or alley to the owner or owners of property or ground necessary to be taken or occupied therefor, shall take into consideration all the circumstances of benefit and convenience as well as of detriment to result of such owner or owners.

**Section 7. Regulation of drainage**

The Council shall have the entire jurisdiction and control, within the town, of the drainage thereof, and may pass ordinances for the opening of gutters, drains and sewers within the limits thereof, and the regulating and maintaining, cleansing and keeping the same and the natural watercourses, runs and rivulets within the town open, clear and unobstructed, and for that purpose may authorize the entry upon private land, and by general regulations prescribe the mode in which they shall be opened, maintained, cleansed and kept opened and unobstructed, and who shall bear

the expense thereof, and may, in its discretion, assess the costs thereof upon the persons and property, real and personal, of those particularly benefited thereby, or of those owning or holding lands through or along which such sewers, drains or watercourses shall flow or pass, and prescribe the mode of collection thereof; provided that nothing herein contained shall be construed to authorize the taking of private property for public use without just compensation.

The jurisdiction and control of the Council, as set forth in this Section, shall extend to and include any and all private drains and sewers laid or to be laid under any of the streets, lanes or highways of the town, whether by individuals or corporations now, or that may hereafter be existing, the rights, powers, privileges and franchises of which shall be subject to the provisions and regulations in this Section contained and of any ordinances of the Council passed in confirmity thereto; and the Council may, if in their judgment advisable, authorize and empower any corporation or association of individuals to drain and sewer the town, granting for that purpose such rights, franchises, privileges, emoluments and compensation as shall be proper, and may pass ordinances confirming and regulating the same.

#### Section 8. Cancellation of liens

The Council shall, by resolution, from time to time, as occasion may require, cancel and satisfy of record, at any meeting of the Council, any and all liens entered against abutting property for the paving or curbing of any footway, sidewalk or street, as well as liens entered for the construction of any public sewer or drain, upon the presentation by the owners or agents of any property liened for purposes aforesaid, of evidence of previous payment to the proper municipal authorities of the town for the whole number of feet contained in the street line of the property of such owners, respectively, of any curbing or paving in front or alongside of, or the drainage from such property, or for sewers.

Upon the absence of evidence of any previous payment for liens as aforesaid, the Council is hereby authorized, in its discretion, to cancel and satisfy of record, any and all liens entered against abutting property, where the property so liened has been and is draining into a public sewer previous to and at the time of the entry of the lien, as aforesaid.

**Section 9. Authority to change, etc., natural watercourses, etc.**

The Council shall have the right to alter and change the course of direction of any of the natural watercourses, runs of rivulets within the city, and for that purpose to enter upon, take and occupy lands, tenements and hereditaments. Before any property or ground shall be taken or occupied for such purpose, the owner or owners of such property or ground shall be paid or tendered such damages as they shall be respectively entitled to receive, which damages shall be assessed, paid or tendered in the same manner as in the case of the taking of ground or property for extending, widening, laying out or opening of streets. The costs of such alterations or changes shall be estimated, and any allotment, apportionment, assessment or division of any portion thereof, as the freeholders may deem just and reasonable, shall be made upon and among the persons, properties, interest and estates specially benefitted by such alterations or change, and collected and made a lien in the mode provided in the case of extending, widening laying out or opening any street, as provided for in this Chapter.

**Section 10. Authorization**

The Council is hereby authorized and empowered to construct such sewers in accordance with any plan now or that may hereafter from time to time be adopted, as may seem to them necessary to meet the requirements of the town, and the cost of constructing such sewers shall be met in the following manner.

**Section 11. Manner of computing costs and assessments against abutting property**

The Council, from the approximate estimate of the whole cost of constructing any sewer in accordance with any plan now or that may hereafter from time to time be adopted, shall apportion the said cost to each lineal foot of sewer to be built in accordance with the aforesaid system, said cost to be apportioned alike upon each and every size of sewer, be it a lateral or trunk sewer; and the said cost per lineal foot shall be paid for by the abutting property upon the streets or highways in which such sewers are constructed

at the time of completing each sewer, and the aforesaid property shall be assessed for such costs per lineal foot as follows:

All assessments shall be made upon the properties abutting upon that portion of any street or highway, lane or alley in which any public sewer may be constructed under this provision, at such rate for each front foot of such property upon such street, highway, lane or alley, and at such rate for each square foot of such property between such street, highway, lane or alley and a line not exceeding two hundred feet distant from and parallel with the line of such street, highway, lane or alley, as the Council, or its successors, shall determine; provided that when any property is situated at the corner of two streets or highways, or otherwise so situated as to be assessed for the expenses of building a sewer on one of such streets or highways, only the front of such property, together with the area, shall be liable for such assessment, and the whole assessment shall be made on the completion of any portion of a sewer, either in front or on the side of such property, so as to make the said property accessible to such sewer; and, provided further, that the Council shall determine, in all cases, what portion of a property shall be considered as side frontage, unless said property has been divided into building lots and a plot thereof filed with the Council, or published, or both, then in such case the side frontage shall be determined by such plan; provided further, however, that should the owner or owners of such corner property decide, after the above assessments are made or paid, to make the side of such property, as determined by the Council, the frontage of such property, then in such case the owner or owners of such corner property shall pay such additional sum of money as the Board of Directors may determine upon, in accordance with the provisions of this article; and provided also, that no property or portion of property shall be assessed for the construction of any sewer, unless such property or some portion thereof shall abut and be bounded upon said street on which said sewer shall have been constructed, or unless such property or portion thereof has a right of access to the street or highway by a private alley, or desires to use said sewer before a sewer is constructed upon said street or highway upon which said property abuts, in which case said property shall be liable for the same assessment as though the sewer was constructed in the streets or highways upon which the property abuts, and the property shall not be liable for any further assessment for sewer purposes.

**Section 12. Right of landowners assessed to connect with sewer**

When any such assessment shall be made upon any land for the expense of constructing any such sewer, the owner so assessed shall have the right to connect such land with such sewer, under and subject to such rules and regulations as the Council shall from time to time prescribe, upon executing to said Council a release of all damages which may at any time happen to such property in any way resulting from such connection.

**Section 13. Assessment lien; enforcement thereof, etc.**

All assessments made under authority of this article shall be a lien upon the property upon which they are made from the date upon which they are certified by the Council to the clerk of such board for collection, and such lien shall have priority against any lien, incumbrance or conveyance made or suffered by the owner or owners of such property after the date of the certifying of such assessment as aforesaid.

All moneys received by the Council from sewer liens dated subsequent to July 1, 1912, may be retained by the Council and the Council is hereby authorized to pay the sums transferred to the Council for receipts from sewer liens dated subsequent to July 1, 1912.

Any such assessment shall be due and payable upon the date of the certifying, and if paid within sixty days after the date of the presentation of the bill of such assessment a discount of five percent will be allowed on the face of the bill so presented; and upon all assessments paid after sixty days, and on or before ninety days after presentation of the bill, the face of the bill will be payable; and upon all assessments not paid within ninety days after the date of the presentation of the bill as aforesaid, interest, at the rate of six percent per annum, may be charged from ninety days after the date of the certifying of such assessment as aforesaid until the same is paid in full. If, however, any such assessment or part of such assessment shall remain unpaid at the end of one year after the date of the certifying as aforesaid, it shall be the duty of the mayor of the town to issue his warrant, directed to the Council, commanding them to levy the same with

the interest thereon accrued, and all costs thereon, upon the grounds or buildings of such owner abutting on any such streets or highways aforesaid, which such ground or buildings or any part thereof shall be sold by the Council at public auction after ten days' notice in two newspapers published in the town, and a deed from the town shall convey to the purchaser of such grounds or buildings as full and complete a title to such premises, in fee simple or otherwise, as if the same were executed by said owner thereof. And it shall be the duty of said Council, out of the purchase money of said premises so sold as aforesaid, to pay all costs arising from such process and sale to the parties entitled thereto, respectively, and to retain the amount of such assessment with accrued interest thereon as aforesaid. The residue of the purchase money shall be immediately deposited by the Council in a bank, to the credit of the owner of the property so sold.

#### **Section 14. Modification of assessments**

The Council is hereby authorized to alter or modify any and all assessments heretofore made for the cost of constructing sewers in accordance with this Chapter so as to adjust said assessments in accordance with the above provisions, and out of any moneys received for current expenses to refund to the person or persons who have paid such sewer assessments so as to conform to the said provisions. Provided that such alterations or modifications shall not invalidate the said assessments or the lien thereof.

#### **Section 15. Additional rules and regulations**

The Council is hereby authorized and empowered to pass and adopt such rules and regulations as the said Council may see proper for regulating, controlling and prescribing the manner in which any sewer or drain constructed by order of or in charge of said Council shall be used, and the manner in which connections therewith, or with any private sewer now existing or hereafter to be constructed in any public street, lane, or alley in the town, any house, building, yard or other place, shall be made, and for the keeping of the same in proper repair, and shall prescribe certain fines and penalties for the non-observance of such rules and regulations, said fines to be collected in the same manner that other fines for offenses against the ordinances of the town are now or may hereafter be collected.

**Section 16. Conveyance of lands under navigable streams to town**

The Governor of the State be and is hereby authorized and directed to grant and convey to the town under the great seal of the State, all the right and title of the State, in and to all the land under water within the limits of the said town where said land under water is located in or under any part of navigable streams.

**Section 17. Water rates and rents generally; liens for unpaid water rents**

The water rates shall be fixed by the said Council at prices that shall produce revenue sufficient at least to pay the interest on the water bonds and the running expenses on the water works. All rents, income, receipts, revenues and moneys from all sources, now received, or hereafter to be received, by the said Council (excepting the annual appropriations made by the Council), shall be paid monthly on the first day of each and every month to the town Treasurer for the use of the town, to be expended for municipal purposes in such manner as the Council may deem proper.

All water rents laid or imposed by the Council for the town remaining unpaid and in arrears for thirty days after they become due, shall be and constitute a lien upon the lands and premises of the owner to which the water was furnished, and such liens shall have preference and priority to all liens of recognizance, mortgage or judgment on such lands and premises created or suffered by said owner, although such other lien or liens shall be of a date prior to the time of the attaching of such lien for water rents.

In case of the sale under execution process of any lands and premises upon which such liens for water rents shall exist, such liens shall be transferred to the fund arising from such sale in the hands of the officer making the same and the said real estate so sold shall be discharged therefrom.

The lien for water rents shall remain a lien for the period of five years and no longer, from the expiration of thirty days after said water rents became due and payable.

The Council for the town in collecting water rents out of real

estate upon which there is a lien under the provisions of this Chapter, shall proceed in the manner now by law prescribed for the collection of taxes out of real estate by the town.

**Section 18. Distribution of water generally**

The town, through the agency of the Council, in addition to the power and authority which it now has to distribute water within the corporate limits of said town, may, in its discretion distribute said water throughout all of that territory included within ten miles of the boundary thereof.

The Council shall determine the person or persons, firm or firms, corporation or corporations, to which it shall distribute water throughout said territory included within ten miles of the boundary of said corporate limits; shall fix the rates therefor; shall regulate the use of said water, and shall supply the same upon such terms and conditions as may be agreed upon by said person or persons, firm or firms, corporation or corporations, and the said Council.

The said town, by and through the agency aforesaid, shall have and exercise all of the powers and authority necessary to the accomplishments of said distribution of water throughout the territory included within ten miles of the boundary of said corporate limits as it now has and possesses in the installation, operation and maintenance of its water system in the town and in the distribution by it of water in the town, including the authority and power to acquire by purchase or condemnation, such land and property as may be necessary therefor.

**Section 19. Acquisition of land, waters, etc., necessary for town water supply – Power of town generally**

The town, acting by and through the agency of the Council, shall have power to acquire by purchase or condemnation as hereinafter provided, any lands, buildings, structures, franchises, easements, highways, roads, ways, bridges, waters, water rights or any other property, real or personal, of whatever nature, in the county, as may be necessary for furnishing to the town a supply of pure and wholesome water adequate to meet the present and future needs of the said town.

**Section 20. Same – by condemnation**

Whenever the said town cannot agree with the owner or owners of any lands, buildings, structures, franchises, easements, highways, roads, ways, bridges, waters, water rights or any other property, real or personal in the county necessary to be taken or used in the construction, reconstruction or maintenance of such water supply which the said town shall construct, reconstruct or maintain or propose to construct, reconstruct, or maintain for the purchase thereof, the said town acting through the agency of the said Council, may apply to the Associate Judge of the State, resident in the county, for the condemnation of such property, first giving to the other party or owner at least five days' notice in writing of the intended application, if such party or owner is within the State, and if said party or owner is unknown or without the State, or if under legal disability and having no legal representative in the State, then such notice shall be published in some newspaper in the county, at least five days prior to the intended application and such publication shall be sufficient notice; upon application made as aforesaid, the said Associate Judge shall appoint five judicious and impartial freeholders to view the premises or ascertain the easement, franchise or water rights and assess the damages which the owner or owners will sustain by reason of said construction or reconstruction or the taking of such property. The freeholders shall be sworn or affirmed before some officer authorized to administer oaths or affirmations, before entering on the premises or before ascertaining the easement, franchise or water rights, faithfully and impartially to perform the duties assigned them. They shall give ten days' notice in writing to the owner or owners of the premises or property so proposed to be condemned, or to their guardian or guardians, duly appointed, if within the State and to the said town of the time of the meeting to view the premises or ascertain the easement, franchise or water rights; if the owner or owners are unknown or are without the State or if under legal disability and having no legal representative in the State, publication of such last mentioned notice shall be made in some newspaper in the county in which the proceedings were instituted at least ten days prior to the said meeting, and such publication shall be sufficient notice thereof. The said Council shall keep a record of their proceedings with their findings and awards and return the same to the prothonotary of the county in which the said proceedings were instituted, and shall certify their findings and awards to the owner or owners of the property

and to said Council; if the Council or any party in interest is dissatisfied with such findings or awards, it or he may, on application to said prothonotary within fifteen days after such findings and awards have been made and filed, sue out a writ of ad quod damnum, requiring the sheriff of said county, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages which will be sustained as aforesaid, and their report shall be final. The said Council or the said jury shall, in assessing the damages aforesaid, take into consideration the benefits and advantages to the owner or owners resulting from the proposed improvement and set off the value of such benefits or advantages against the loss, detriment and disadvantages, which such owner will suffer, provided that in no case shall the amount estimated as and for benefits and advantages exceed the amount allowed for loss, detriment or disadvantage to such owner. The amount of damages being ascertained, the Council may pay or tender the amount thereof or within two months after the same shall have been so ascertained, to the person or persons so entitled thereto, or, if the person or persons so entitled refuse to accept or reside out of or are absent from the county during all or any part of said period of two months, the same may be deposited to his credit in bank, in the county seat of the county wherein such proceedings are instituted, within said time, and thereupon said property may be taken and occupied for the use and purpose for which it was condemned; provided that the Council, in its discretion, after it has made application as aforesaid, for the condemnation of property, may occupy or use such property without delay, and the proceedings for the ascertainment of the damages shall proceed as in this section provided, but in the event of such immediate use or occupation as last aforesaid, the Council shall pay to the owner or owners thereof if within the State, or if such owner or owners refuse to accept the amount of damages or are without the county, deposit to his or their credit in the bank, within ten days after the damages have been ascertained, the amount thereof. The expenses of the assessment by the said Council of the damages aforesaid of the fees of the said sheriff and prothonotary and of all costs incurred in the execution of the writ of ad quod damnum, shall in all cases be paid by the Council. The said Judge shall have power to fill any vacancy in any Council and thereafter the Council shall proceed as though no vacancy had occurred.

#### **Section 1. Effective Date**

This Act shall become effective, after passage, upon the

adoption of a resolution, at a regular or special meeting of the Commissioners at which a quorum is present, accepting the provisions of this Act.

Approved June 25, 1971.

## CHAPTER 172

FORMERLY HOUSE BILL NO. 427  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 65, TITLE 11, DELAWARE CODE, RELATING TO SEPARATE CUSTODIAL CARE AND WORK FOR YOUTHFUL OFFENDERS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend subsection (a), Section 6526, Title 11, Delaware Code, by striking the period at the end thereof and substituting in lieu thereof a comma, followed by the words:

“subject to limitations of existing structures, staff, and appropriations.”

Section 2. Amend Section 6502, Title 11, Delaware Code, by adding thereto the following definition:

“‘Youthful offender’ means any offender requiring incarceration who has not reached his eighteenth birthday.”

Section 3. The Department of Health and Social Services is hereby directed to undertake a study of criteria relevant to the placing of prisoners so that treatment programs tailored to their needs can best be implemented. The Department shall consider plans for the separation of prisoners based on factors such as, but not limited to:

- (1) the nature of the crime committed by the offender;
- (2) the danger of the offender to society, including propensity of the offender to violence;
- (3) preferred treatment for the offender’s rehabilitation;
- (4) cost to the State in terms of financial outlay;
- (5) age of the offender;
- (6) sex of the offender.

The Department shall, based upon its projections of the State's needs with respect to facilities and programs for implementation of its recommendations concerning separation of prisoners, develop a plan for such implementation, including a plan for bringing into being such separate facilities for different categories of offenders as the Department believes the State's future needs require.

The Department shall make a report of its findings and recommendations to the Governor and the General Assembly on or before April 1, 1972. The plan for the bringing into being of whatever new facilities as it deems desirable shall be based on the State's needs as of July 1, 1975. The Department shall take whatever steps are mandated by the General Assembly to complete such new facilities by July 1, 1975.

Approved June 25, 1971.

CHAPTER 173

FORMERLY HOUSE BILL NO. 178

**AN ACT TO AMEND TITLE 30, DELAWARE CODE, CHAPTER 30, RELATING TO AUTOMOBILE DEALER HANDLING FEE AND LICENSE FEE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 30, Delaware Code, Section 3004 is amended by adding a new sentence to subsection (a) thereof to read as follows:

The motor vehicle dealer handling fee shall not be imposed on the sale, transfer, or registration of motor vehicles, trailers or motorcycles which are transferred or sold for the purpose of resale.

Approved June 25, 1971.

## CHAPTER 174

## FORMERLY HOUSE BILL NO. 390

**AN ACT TO AMEND CHAPTER 23 OF TITLE 21, DELAWARE CODE, RELATING TO RECORDING LIENS AND FEES THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 23, Section 2334, Title 21, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

The Director shall keep a record of liens or encumbrances upon motor vehicles for a period of eight (8) years from the date of entering such lien or encumbrance on any certificate of title. For making entry on liens or encumbrances in the aforementioned record, the Director shall charge a fee of \$1.00 which shall be paid by the applicant at the time of entering such lien or encumbrance on the certificate of title.

Approved June 25, 1971.

## CHAPTER 175

FORMERLY HOUSE SUBSTITUTE NO. 2  
FOR HOUSE BILL NO. 300  
AS AMENDED BY  
HOUSE AMENDMENTS NO. 1, 2, 8, 11, 12,  
13, 14, 15, 18, 19, 22, 23 and 24

**AN ACT CREATING A NEW CHAPTER 70, TITLE 7, DELAWARE CODE TO ESTABLISH A COASTAL ZONE IN DELAWARE; TO PROHIBIT OR LIMIT CERTAIN USES THEREIN; TO CREATE A STATE COASTAL ZONE INDUSTRIAL CONTROL BOARD.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 7, Delaware Code, is amended by creating a new Chapter 70 to read as follows:

## CHAPTER 70. COASTAL ZONE ACT

## § 7001. Purpose

It is hereby determined that the coastal areas of Delaware are the most critical areas for the future of the State in terms of the quality of life in the State. It is, therefore, the declared public policy of the State of Delaware to control the location, extent and type of industrial development in Delaware's coastal areas. In so doing, the State can better protect the natural environment of its bay and coastal areas and safeguard their use primarily for recreation and tourism. Specifically, this chapter seeks to prohibit entirely the construction of new heavy industry in its coastal areas, which industry is determined to be incompatible with the protection of that natural environment in those areas. While it is the declared public policy of the State to encourage the introduction of new industry into Delaware, the protection of the environment, natural beauty and recreation potential of the State is also of great concern. In order to strike the correct balance between these two policies, careful planning based on a thorough understanding of Delaware's potential and her needs is required. Therefore, control of industrial development other than that of heavy industry in the Coastal Zone of Delaware through a permit

system at the State level is called for. It is further determined that off-shore bulk product transfer facilities represent a significant danger of pollution to the Coastal Zone and generate pressure for the construction of industrial plants in the Coastal Zone, which construction is declared to be against public policy. For these reasons, prohibition against bulk product transfer facilities in the Coastal Zone is deemed imperative.

#### **§ 7002. Definitions**

(a) 'The Coastal Zone' is defined as all that area of the State of Delaware, whether land, water or subaqueous land between the territorial limits of Delaware in the Delaware River, Delaware Bay and Atlantic Ocean, and a line formed by certain Delaware highways and roads as follows:

Beginning at the Delaware-Pennsylvania line at a place where said line intersects U.S. Route 13; thence southward along the said U.S. Route 13 until it intersects the right-of-way of U.S. Route I-495; thence along said I-495 right-of-way until the said I-495 right-of-way intersects Delaware Route 9 south of Wilmington; thence along said Delaware Route 9 to the point of its intersection with Delaware Route 273; thence along said Delaware Route 273 to U.S. 13; thence along U.S. 13 to Maintenance Road 409; thence along Maintenance Road 409 to Delaware Road 71; thence along Delaware Road 71 to its intersection with Delaware Road 54; thence along Delaware Road 54 to Delaware Road 896; thence along Delaware Road 896 to Maintenance Road 396; thence along Maintenance Road 396 to Maintenance Road 398; thence along Maintenance Road 398 to the Maryland State Line; thence southward along the Maryland State Line to Maintenance Road 433; thence along Maintenance Road 433 to Maintenance Road 63; thence along Maintenance Road 63 to Maintenance Road 412; thence along Maintenance Road 412 to U.S. 13; thence along U.S. 13 to Delaware 299 at Odessa; thence along Delaware Route 299 to its intersection with Delaware Route 9; thence along Delaware Route 9 to U.S. 113; thence along U.S. Route 113 to Maintenance Road 8A; thence along Maintenance Road 8A to Maintenance Road 7 to the point of its intersection with Delaware Route 14; thence along Delaware Route 14 to Delaware Route 24; thence along Delaware Route 24 to Maintenance Road 331; thence along Maintenance Road 331 to Maintenance Road 334; thence along Maintenance Road 334 to Delaware Route 26; thence along

Delaware Route 26 to Maintenance Road 365; thence along Maintenance Road 365 to Maintenance Road 84; thence along Maintenance Road 84 to Maintenance Road 384; thence along Maintenance Road 384 to Maintenance Road 382A; thence along Maintenance Road 382A to Maintenance Road 389; thence along Maintenance Road 389 to Maintenance Road 58; thence along Maintenance Road 58 to Maintenance Road 395; thence along Maintenance Road 395 to the Maryland State Line.

(b) 'Non-conforming use' means a use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter where such use was lawfully in existence and in active use prior to the enactment of this chapter.

(c) 'Environmental Impact Statement' means a detailed description as prescribed by the State Planning Office of the effect of the proposed use on the immediate and surrounding environment and natural resources such as water quality, fisheries, wildlife and the aesthetics of the region.

(d) 'Manufacturing' means the mechanical or chemical transformation of organic or inorganic substances into new products, characteristically using power driven machines and materials handling equipment, and including establishments engaged in assembling component parts of manufactured products, provided the new product is not a structure or other fixed improvement.

(e) 'Heavy industry use' means a use characteristically involving more than twenty acres, and characteristically employing some but not necessarily all of such equipment such as, but not limited to, smoke stacks, tanks, distillation or reaction columns, chemical processing equipment, scrubbing towers, pickling equipment, and waste treatment lagoons; which industry, although conceivably operable without polluting the environment, has the potential to pollute when equipment malfunctions or human error occurs. Examples of heavy industry are oil refineries, basic steel manufacturing plants, basic cellulosic pulppaper mills, and chemical plants such as petro-chemical complexes. Generic examples of uses not included in the definition of 'heavy industry' are such uses as garment factories, automobile assembly plants and jewelry and leather goods manufacturing establishments.

(f) 'Bulk product transfer facility' means any port or dock facility, whether an artificial island or attached to shore by any means, for the transfer of bulk quantities of any substance from vessel to on-shore facility or vice versa. Not included in this definition is a docking facility or pier for a single industrial or manufacturing facility for which a permit is granted or which is a non-conforming use. Likewise, docking facilities for the Port of Wilmington are not included in this definition.

(g) 'Person' shall include, but not be limited to, any individual, group of individuals, contractor, supplier, installer, user, owner, partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, administrative agency, public or quasi-public corporation or body, or any other legal entity, or its legal representative, agent, or assignee.

(h) 'Board' shall mean the Coastal Zone Industrial Control Board.

#### **§ 7003. Uses absolutely prohibited in the Coastal Zone**

Heavy industry uses of any kind not in operation on the date of enactment of this chapter are prohibited in the Coastal Zone and no permits may be issued therefor. In addition, offshore gas, liquid, or solid bulk product transfer facilities which are not in operation on the date of enactment of this chapter are prohibited in the Coastal Zone, and no permit may be issued therefor. Provided, that this section shall not apply to public sewage treatment or recycling plants.

#### **§ 7004. Uses allowed by permit only. Non-conforming uses**

(a) Except for heavy industry uses, as defined in section 7002 of this chapter, manufacturing uses not in existence and in active use of the date of enactment of this chapter are allowed in the Coastal Zone by permit only, as provided for under this section. Any non-conforming use in existence and in active use on the effective date of this chapter shall not be prohibited by this chapter. All expansion or extension of non-conforming manufacturing uses, as defined herein, and all expansion or extension of uses for which a permit is issued pursuant to this chapter, are likewise allowed only by permit. Provided, that no permit may be granted under this chapter unless the county or municipality

having jurisdiction has first approved the use in question by zoning procedures provided by law.

(b) In passing on permit requests, the State Planner and the State Coastal Zone Industrial Control Board shall consider the following factors:

(1) Environmental impact, including but not limited to, probable air and water pollution likely to be generated by the proposed use under normal operating conditions as well as during mechanical malfunction and human error; likely destruction of wetlands and flora and fauna; impact of site preparation on drainage of the area in question, especially as it relates to flood control; impact of site preparation and facility operations on land erosion; effect of site preparation and facility operations on the quality and quantity of surface ground and sub-surface water resources, such as the use of water for processing, cooling, effluent removal, and other purposes; in addition, but not limited to, likelihood of generation of glare, heat, noise, vibration, radiation, electromagnetic interference and obnoxious odors.

(2) Economic effect, including the number of jobs created and the income which will be generated by the wages and salaries of these jobs in relation to the amount of land required, and the amount of tax revenues potentially accruing to State and local government.

(3) Aesthetic effect, such as impact on scenic beauty of the surrounding area.

(4) Number and type of supporting facilities required and the impact of such facilities on all factors listed in this subsection.

(5) Effect on neighboring land uses including, but not limited to, effect on public access to tidal waters, effect on recreational areas, and effect on adjacent residential and agricultural areas.

(6) County and municipal comprehensive plans for the development and/or conservation of their areas of jurisdiction.

#### § 7005. Administration of this chapter

(a) The State Planning Office shall administer this chapter.

All requests for permits for manufacturing land uses and for the expansion or extension of non-conforming uses as herein defined in the Coastal Zone shall be directed to the State Planner. Such requests must be in writing and must include (1) evidence of approval by the appropriate county or municipal zoning authorities, (2) a detailed description of the proposed construction and operation of the use, and (3) an Environmental Impact Statement. The State Planner shall hold a public hearing and may request further information of the applicant. The State Planner shall first determine whether the proposed use is, according to this chapter and regulations issued pursuant thereto, (1) a heavy industry use under section 7003; (2) a use allowable only by permit under section 7004; or (3) a use requiring no action under this chapter. The State Planner shall then, if he determines that section 7004 applies, reply to the request for a permit within ninety (90) days of receipt of the said request for permit, either granting the request, denying same, or granting the request but requiring modifications; he shall state the reasons for his decision.

(b) The State Planner may issue regulations including, but not limited to, regulations governing disposition of permit requests, and setting forth procedures for hearings before himself and the Board. Provided, that all such regulations shall be subject to approval by the Board.

(c) The State Planner shall develop and propose a comprehensive plan and guidelines for the State Coastal Zone Industrial Control Board concerning types of manufacturing uses deemed acceptable in the Coastal Zone and regulations for the further elaboration of the definition of 'heavy industry' in a manner consistent with the purposes and provisions of this chapter. Such plan and guidelines shall become binding regulations upon adoption by the Board after public hearing. The Board may alter said regulations at any time after a public hearing. Provided, that any such regulations shall be consistent with sections 7003 and 7004 of this chapter.

(d) The State Planning Office and all agencies of State government shall assist the State Coastal Zone Industrial Control Board in developing policies and procedures, and shall provide the Board with such information as it shall require.

**§ 7006. State Coastal Zone Industrial Control Board created; composition; conflict of interest; quorum**

There is hereby created a State Coastal Zone Industrial Control Board, which shall have ten (10) voting members. Five (5) of these shall be regular members appointed by the Governor and confirmed by the Senate. No more than two (2) of the regular members shall be affiliated with the same political party. At least one regular member shall be a resident of New Castle County, one a resident of Kent County and one a resident of Sussex County, provided that no more than two residents of any county shall serve on the Board at the same time. The additional five (5) members shall be the Secretary of Natural Resources and Environmental Control, the Secretary of Community Affairs and Economic Development, and the Chairmen of the Planning Commissions of each county, who shall be ex-officio voting members. The term of one appointed regular member shall be for one (1) year; one for two (2) years; one for three (3) years; one for four (4) years; and the Chairman, to be designated as such by the Governor, and serve at his pleasure. Thereafter, all regular members shall be appointed for five year terms. The members shall receive no compensation except for expenses. Any member of the Board with a conflict of interest in a matter in question shall disqualify himself from consideration of that matter. A majority of the total membership of the Board less those disqualifying themselves shall constitute a quorum. A majority of the total membership of the Board shall be necessary to make a final decision on a permit request.

**§ 7007. Appeals to State Coastal Zone Industrial Control Board**

(a) The State Coastal Zone Industrial Control Board shall have the power to hear appeals from decisions of the State Planner made under section 7005. The Board may affirm or reverse the decision of the State Planner with respect to applicability of any provision of this chapter to a proposed use; it may modify any permit granted by the State Planner, grant a permit denied by him, deny a permit, or confirm his grant of a permit. Provided, however, that the Board may grant no permit for uses prohibited in section 7003 herein.

(b) Any person aggrieved by a final decision of the State Planner under section 7005 (a) may appeal same under this

section. Appellants must file notice of appeal with the State Coastal Zone Industrial Control Board within fourteen (14) days following announcement by the State Planner of his decision. The State Coastal Zone Industrial Control Board must hold a hearing and render its decision in the form of a final order within sixty (60) days following receipt of the appeal notification.

(c) Whenever a decision of the State Planner concerning a permit request is appealed, the Board shall hold a public hearing at which the appellant may be represented by counsel. All proceedings in such a hearing shall be made a matter of record and a transcript or recording of all proceedings kept, and the public may attend and be heard.

(d) The Board shall publicly announce by publication in at least one newspaper of daily publication in the county in which the site designated in the request is wholly or principally located and in at least one newspaper of daily publication and general circulation throughout the State the time, location and subject of all hearings under this section at least ten (10) days prior thereto.

#### **§ 7008. Appeals to Superior Court**

Any person aggrieved by a final order of the State Coastal Zone Industrial Control Board under section 7007 may appeal the Board's decision to Superior Court in and for the county of the location of the land in question. Likewise, the State Planner may appeal from any modification by the Board of his ruling. The appeal shall be commenced by filing notice thereof with Superior Court not more than twenty (20) days following announcement of the Board's decision. The Court may affirm the Board's order in its entirety, modify same, or reverse said order. In either case, the appeal shall be based on the record of proceedings before the Board, the only issue being whether the Board abused its discretion in applying standards set forth by this chapter and regulations issued pursuant thereto to the facts of the particular case. The Superior Court may by rule prescribe procedure by which it will receive, hear, and make disposition of appeals under this chapter.

Provided, that no appeal under this chapter shall stay any cease and desist order or injunction issued pursuant to this chapter.

**§ 7009. Condemnation**

If Superior Court rules that a permit's denial, or restrictions imposed by a granted permit, or the operation of section 7003 or section 7004 of this chapter, is an unconstitutional taking without just compensation, the Secretary of the State Department of Natural Resources and Environmental Control may, through negotiation or condemnation proceedings under Chapter 61 of Title 10, acquire the fee simple or any lesser interests in the land. The Secretary must use this authority within five years from the date of the Court's ruling, for after said five years have elapsed the permit must be granted as applied for if the land has not been acquired under this authority.

**§ 7010. Cease and desist orders**

The Attorney General shall have the power to issue a cease and desist order to any person violating any provision of this chapter ordering such person to cease and desist from such violation. Provided, that any cease and desist order issued pursuant to this section shall expire (1) after thirty (30) days of its issuance, or (2) upon withdrawal of said order by the Attorney General, or (3) when the order is superseded by an injunction, whichever occurs first.

**§ 7011. Penalties**

Any person who violates any provision of this chapter shall be fined not more than \$50,000 for each offense. The continuance of an activity prohibited by this chapter during any part of a day shall constitute a separate offense. Superior Court shall have exclusive original jurisdiction over offenses under this chapter.

**§ 7012. Injunctions**

The Court of Chancery shall have jurisdiction to enjoin violations of this chapter.

**§ 7013. Inconsistent laws superseded; all other laws unimpaired; certain uses not authorized**

All laws or ordinances inconsistent with any provision of this

chapter are hereby superseded to the extent of the inconsistency. Provided, that present and future zoning powers of all counties and municipalities, to the extent that said powers are not inconsistent with this chapter, shall not hereby be impaired; and provided that a permit granted under this chapter shall not authorize a use in contravention of county or municipal zoning regulations.

**§ 7014. Severability and savings clause**

If any provision of this chapter, or of any rule, regulation, or order promulgated thereunder, or the application of any such provision, regulation, or order to any person or circumstances shall be held invalid, the remainder of this chapter or any regulations or order promulgated pursuant thereto or the application of such provision, regulations, or order to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.”

Approved June 28, 1971.

CHAPTER 176

FORMERLY SENATE BILL NO. 355

**AN ACT TO AMEND CHAPTER 87, TITLE 3 OF THE DELAWARE CODE TO PROVIDE FOR THE LICENSING OF OFFICIAL ESTABLISHMENTS IN ASSOCIATION WITH THE MEAT AND POULTRY PRODUCTS INSPECTION ACT.**

*Bi it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 8706, Chapter 87, Title 3 of the Delaware Code, by adding a Subsection (o) which shall read as follows:

(o) Every person who owns or operates an official establishment or other facility covered under this Act, shall obtain a license. Application for a license to be obtained from the Department of Agriculture and submitted to the Department with the payment of a \$10.00 (ten dollar) fee. All fees shall be forwarded to the State Treasurer. The license shall be for the fiscal year ending June 30, and shall be renewed annually thereafter. A license may be denied at the time of application or revoked if the official establishment is found violating any section of this Act or rules and regulations of the Department.

Approved June 28, 1971.

**CHAPTER 177****FORMERLY HOUSE BILL NO. 485**

**AN ACT TO AMEND TITLE 16, DELAWARE CODE, BY CREATING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 76 TO PROVIDE FOR THE REGULATION OF AND STANDARDS FOR AMBULANCE SERVICE BY THE STATE FIRE PREVENTION COMMISSION, AND TO PROVIDE AN APPROPRIATION THEREFOR, AND TO GRANT IMMUNITY FROM SUIT UNDER CERTAIN CIRCUMSTANCES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. It is hereby declared as a matter of State Policy:

(a) That, in order to preserve, protect, and promote the public health, safety, and general welfare, adequate and continuing ambulance services should be available to every citizen of Delaware.

(b) That uniform minimum standards of adequacy should be prescribed and enforced by and through appropriate State and local agencies in order to assure safe, sanitary, and competent ambulance services.

Section 2. Title 16, Delaware Code, is amended by adding a new Chapter thereto to be designated as Chapter 76 to read as follows:

**"CHAPTER 76. AMBULANCES****§ 7601. Definitions**

"Ambulance" includes any privately or publicly owned vehicle that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation upon the streets and highways in this State of persons who are sick, injured, wounded or otherwise incapacitated or helpless. Vehicles designed primarily for rescue

operations and which do not ordinarily but may transport persons upon the streets and highways are excluded.

**§ 7602. Permit required to operate ambulances**

(a) No person, firm, corporation, or association either as owner, agent, or otherwise, shall hereafter furnish, operate, conduct, maintain, advertise, or otherwise engage in or profess to be engaged in the business or service of transporting patients under emergency conditions upon the streets or highways in the State of Delaware unless he holds a currently valid permit for each ambulance used in such business or service, issued by the State Fire Prevention Commission or a duly authorized representative thereof.

(b) Before a permit may be issued for a vehicle to operate as an ambulance, its registered owner must apply to the Fire Prevention Commission for an ambulance permit. Application shall be made upon forms and according to procedures established by the Commission. Prior to issuing an original or renewal permit for an ambulance, the Commission or a duly authorized representative thereof shall determine that the vehicle for which the permit is issued meets all requirements as to medical equipment and supplies and sanitation as set forth in this Chapter, and the regulations of the Commission. Permits issued for ambulances shall be valid for a period specified by the Commission, not to exceed one year.

(c) Duly authorized representatives of the Commission may issue temporary permits for vehicles not meeting required standards valid for a period not to exceed ninety (90) days, when it determines the public interest will be served thereby. Any temporary permit issued hereunder shall not be renewed.

(d) When a permit has been issued for an ambulance as specified herein, the vehicle for which issued, and records relating to maintenance and operation of such vehicle shall be open to inspection by duly authorized representatives of the Commission at all reasonable times.

(e) The issuance of a permit hereunder shall not be construed so as to authorize any person, firm, corporation, or association to provide ambulance services or to operate any

ambulance without compliance with all ordinances and regulations enacted or promulgated by any county or municipal government concerning ambulances.

**§ 7603. Advisory Committee on Ambulance Service**

(a) For the purpose of assisting the Fire Prevention Commission in developing standards for use in the administration of this Chapter, there is hereby created the Advisory Committee on Ambulance Service. The Committee shall be composed of ten (10) members; whose names shall be submitted to the Commission by resolution of the respective organizations. Six representatives, two from each County, shall be members of the Delaware Volunteer Fireman's Association; one representative from the American Legion Ambulance Committee, one representative of the V.F.W. Ambulance Committee; one representative from the New Castle County Government Ambulance Committee; and one representative of the City of Dover Ambulance Committee. Each representative shall serve at the pleasure of the organization which he is representing and his successor shall be chosen in like manner. The Chairman of the Fire Prevention Commission shall call the Advisory Committee to its first meeting. The Committee shall choose its own chairman and shall meet thereafter at the call of the Chairman or the Chairman of the Fire Prevention Commission.

(b) The Advisory Committee shall provide technical assistance for the establishment of regulations for ambulance services and make recommendations to the Commission.

**§ 7604. Establishment of operational standards**

**(a) Powers of the State Fire Prevention Commission**

1. The Commission or its duly authorized representative shall inspect equipment and supplies required of ambulances when it deems such inspection is necessary and maintain a record thereof. Upon determination, based upon an inspection, that requires supplies or equipment fail to meet the requirements of this Chapter or regulations adopted pursuant hereto, the Commission may suspend the permit for the ambulance concerned, until such requirements are met.

2. Every ambulance shall be equipped with equipment and supplies specified by the State Fire Prevention Commission.

3. The Commission shall adopt regulations setting forth the qualifications required for the certification of ambulance attendants.

(b) Emergency Ambulance Licensing and Certification

1. The State Fire Prevention Commission or its duly authorized representative, under the supervision of the Commission shall carry out the licensing and certification activities assumed by the State under this Chapter, and perform all inspections required by this Chapter, filing all records required by law. The Chairman may issue a temporary certificate and/or permit with or without inspection, when he finds that such will be in the public interest. A temporary certificate and/or permit shall be valid for a period not to exceed ninety (90) days. All renewals must be authorized by the Commission.

2. The Commission shall adopt regulations specifying operational standards for ambulances. Regulations so adopted shall also require that the interior of the ambulance and the equipment within the ambulance be sanitary and maintained in good working order and sufficient quantities at all times.

3. Every ambulance, except those specifically excluded from the operation of this Chapter, when operated on an emergency mission in this State shall be occupied by at least one person who possesses a valid Ambulance ATTENDANT'S CERTIFICATE from the State Prevention Commission.

4. Persons desiring certification as ambulance attendants shall apply to the State Fire Prevention Commission using forms prescribed by the Commission. Upon receipt of such applications, the duly authorized representative of the Commission shall examine the applicant and if it determines the applicant meets the requirements of its regulations duly adopted pursuant to this article, with the approval of the Chairman, he shall issue a certificate to the applicant. Ambulance Attendant's Certificates so issued shall be valid for a period not to exceed three (3) years and may be renewed after reexamination if the holder meets the requirements set forth in the regulations of the Commission. The

Commission is authorized to cancel a certificate so issued at any time it determines that the holder no longer meets the qualifications prescribed for ambulance attendants.

#### **§ 7605. Immunity from suit under certain circumstances**

From and after the effective date of this Chapter, no civil action may be brought against a person licensed as an "Ambulance Attendant" under the provisions of this Chapter, in the State of Delaware, who has gratuitously rendered first aid or emergency care at the scene of an accident, casualty, or disaster to a person injured therein, for the recovery of civil damages as a result of any act or omission by the said person in the rendering of such first aid or emergency care. This immunity does not apply to acts or omissions constituting gross negligence of willful or wanton misconduct.

#### **§ 7606. Exemptions**

The following are exempted from the operation of the provisions of this Chapter:

1. Privately owned vehicles not ordinarily used in the business of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless.
2. A vehicle rendering service as an ambulance in case of a major catastrophe or emergency when the ambulances with permits and based in the locality of the catastrophe or emergency are insufficient to render the services required.
3. Ambulances based outside the State rendering service in case of a major catastrophe or emergency when the ambulances with permits and based in the locality of the catastrophe or emergency are insufficient to render the services required.
4. Ambulances owned and operated by an agency of the United States Government.
5. Ambulances based outside the State engaged in interstate transportation.

**§7607. Violations and penalties**

It shall be the duty of the registered owner of the vehicle concerned to see that the provisions of this Chapter and all regulations adopted hereunder are complied with. Upon the violation of any regulation adopted under the authority of this Chapter, the State Fire Prevention Commission shall have power to revoke or suspend the permits of all vehicles owned or operated by the violator.

Section 2. All ambulance services, regulations of, and standards of, shall be in compliance with the provisions of this Act on or before July 1, 1972.

Section 3. The sum of \$19,294 is hereby appropriated to the State Fire Prevention Commission for the State Fire School for the fiscal year ending June 30, 1972, for the purpose of implementing this Act, to be allocated as follows:

Salaries and wages:	
Training Officer (1)	\$ 8,136
Clerk-Typist II (1)	4,308
Travel	500
Contractual Services	1,500
Supplies and Materials	700
Capital Outlay	4,150
	<hr/>
Total	\$19,294

This is a supplementary appropriation and shall be paid out of General Fund monies not otherwise appropriated. Any funds hereby appropriated which remain unexpended on June 30, 1972, shall revert to the General Fund.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this chapter is held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Approved June 30, 1971.

## CHAPTER 178

## FORMERLY SENATE BILL NO. 336

**AN ACT DIRECTING THE BOARD OF PENSION TRUSTEES TO CONDUCT REVIEWS AND ACTUARIAL EVALUATIONS OF THE STATE POLICE PENSION PLAN AND THE PENSION PLAN FOR THE JUDICIARY, AND TO MAKE RECOMMENDATIONS TO THE SECOND SESSION OF THE 126TH GENERAL ASSEMBLY FOR APPROPRIATE LEGISLATIVE ACTION TO IMPROVE AND TO PROVIDE FOR THE SOLVENCY OF SUCH PLANS.**

*Be it enacted by the General Assembly of the State of Delaware:*

WHEREAS, as a result of the work of a special Governor's Pension Study Committee and the recommendations of the Governor of Delaware, the 125th General Assembly enacted into law a comprehensive revision of the State Employees Pension Plan, providing for an equitable system of benefits for State employees, the establishment of a Pension Trust Fund, and the development of an actuarially sound schedule of employee and State contributions to such Trust Fund, providing for the proper funding of past, present and anticipated obligations, to ensure the solvency of such Fund; and

WHEREAS, in the same statute and the reorganization legislation enacted by the said 125th General Assembly, the administration of all the pension systems of the State of Delaware was vested in a new Board of Pension Trustees; and

WHEREAS, in its final report to the Governor and the 125th General Assembly, the said Governor's Pension Study Committee recommended that similar study and evaluation be made promptly of the State Police Pension Plan and the Pension Plan for the Judiciary, to the end that these plans shall also be funded and placed upon an actuarially sound basis; and

**NOW, THEREFORE,**

Section 1. The Board of Pension Trustees is hereby directed to undertake forthwith a review of the provisions of the State

Police Pension Plan and of the Pension Plan for the Judiciary, including an actuarial evaluation of each such plan.

Section 2. The Board of Pension Trustees shall report to the Governor and the 126th General Assembly, by no later than March 1, 1972, its recommendations for changes in these plans required to ensure equitable benefits for those in coverage thereunder, including their dependents, and to establish appropriate systems of contributions and reserves, that will over a designated period of years ensure the financial solvency of these Funds and of the ability of the State of Delaware to meet its commitments to pensioners and their dependents.

Section 3. The costs of such studies and reports shall be considered properly chargeable to the Pension Trust Fund.

Section 4. It is the sense of the 126th General Assembly that pending the receipt of and action upon such reports and recommendations, no substantive changes shall be made in the State Police Pension Plan or the Pension Plan for the Judiciary.

Approved July 1, 1971.

## CHAPTER 179

FORMERLY SENATE BILL NO. 340  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO CREATE A NEW CHAPTER 99, TITLE 29,  
DELAWARE CODE, CREATING THE DELAWARE  
AMERICAN REVOLUTION BICENTENNIAL  
COMMISSION AND PROVIDING A SUPPLEMENTARY  
APPROPRIATION THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 29, Delaware Code, is hereby amended by adding a new Chapter thereto to be designated as Chapter 99 to read as follows:

**CHAPTER 99. DELAWARE AMERICAN REVOLUTION  
BICENTENNIAL COMMISSION****§ 9901. Creation and membership**

(a) There is created the Delaware American Revolution Bicentennial Commission composed of nine citizens of the State appointed by the Governor, to serve at his pleasure, one of whom shall be designated by the Governor as Chairman of the Commission.

(b) Members of the Commission shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Commission.

(c) The Commission may recommend additional persons to assist in its work and the Governor may appoint such persons, and any others he deems necessary, to serve as members of a Bicentennial Resource Committee.

**§ 9902. Executive Director, other personnel; exemptions from merit system**

(a) The Commission may engage an Executive Director to

devote his full time to the work of the Commission and the Commission may employ such additional full time or part time personnel as are required for the work of the Commission at such compensation as shall be set by the Commission.

(b) The Executive Director and such other personnel as may be employed by the Commission shall be exempt from the merit system as set forth in Title 29, Delaware Code, Chapter 59, and shall be subject to removal, with or without cause, by the Chairman of the Commission.

### **§ 9903. Powers and duties**

(a) The Delaware American Revolution Bicentennial Commission shall prepare and implement an overall program for commemorating the Bicentennial of the American Revolution in Delaware and plan, encourage, develop and coordinate observances and activities commemorating the historic events that preceded and are associated with the American Revolution.

(b) In preparing its plans and programs, the Commission shall consider any related plans and programs developed by the National American Revolution Bicentennial Commission, the bicentennial commissions, committees or organizations of other states and local and private groups, and it may designate representatives to serve on special committees, organizations, nonprofit corporations or other entities with representatives from such bodies to plan, develop and coordinate specific activities.

(c) In all planning, the Commission shall give emphasis to the ideas associated with the American Revolution and the achievement of independence by the United States which have been important to the development of the United States in world affairs and in mankind's quest for freedom and justice.

(d) To make and enter into any and all contracts, agreements or stipulations, and to retain, employ and contract for the services of private and public consultants, research and technical personnel and to procure by contract, consulting, research, technical and other services and facilities, whenever the same shall be deemed by the Chairman of the Commission necessary or desirable in the performance of the functions of the

Commission and whenever funds shall be available for such purpose.

(e) The Commission shall have the authority to organize a nonprofit corporation to assist the Commission in the formulation and execution of its plans to commemorate the bicentennial of the American Revolution; to solicit and receive subscriptions, donations, and other funds from public and private sources for organizing and carrying on the undertaking; to negotiate with public or private organizations or persons on terms for approval or endorsement of bicentennial-related programs or projects; to acquire and hold by gift or otherwise, real and other property with full right to convey or dispose of the same in such manner and upon such terms as the corporation may determine, either absolutely or upon condition; to contract with and employ consultants or other agents; to adopt or enforce such bylaws, rules, and regulations as the corporation may, from time to time, deem advisable.

(f) The Commission shall, not later than March 31, 1972, submit to the Governor and the General Assembly a comprehensive report incorporating its specific recommendations for the commemoration of the American Revolution Bicentennial and related events. This report may recommend activities including, but not limited to:

(1) The production, publication and distribution of books, pamphlets, films and other educational materials on the history, culture and political thought of the period of the American Revolution;

(2) Bibliographical and documentary projects and publications;

(3) Conferences, convocations, lectures, seminars and other programs;

(4) The development of permanent memorials and exhibits, including mobile exhibits;

(5) Ceremonies and celebrations commemorating specific events;

(6) Programs and activities on the local, national and international significance of the American Revolution and its implications for present and future generations; and

(7) The issuance of commemorative medals, seals, automotive license plates and certificates of recognition.

(g) The report of the Commission shall include recommendations for the allocation of financial and administrative responsibility among the public and private authorities and organizations recommended for participation by the Commission. The report shall also include proposals for legislation and administrative action the Commission considers necessary to carry out its recommendations.

#### **§ 9904. Cooperation**

(a) In fulfilling its responsibilities, the Commission shall consult, cooperate with and seek advice from appropriate State departments and agencies, local public bodies, learned societies, and historical, patriotic, philanthropic, civic, professional and related organizations. Heads of State departments and agencies shall cooperate with the Commission in planning, encouraging, developing and coordinating appropriate commemorative activities.

(b) The Commission shall determine if there are sites within the State which are appropriate for preservation or development in commemoration of the American Revolution in a manner to ensure that fitting observances and exhibits may be held at the sites during the Bicentennial celebration.

(c) The officials of each State-supported school, college or university shall cooperate with the Commission, especially in the encouragement and coordination of scholarly works and presentations on the history, culture, and political thought of the American Revolution.

#### **§ 9905. Miscellaneous**

(a) The Commission may accept donations of money, property or personal services.

(b) Property acquired by the Commission may be deposited for preservation with the Secretary of State.

(c) All money donated to the Commission or received in furtherance of contracts hereunder shall be deposited with the Secretary of Finance and shall be appropriated to the Commission. All expenditures of the Commission shall be by warrant of the Secretary of Finance on vouchers of the Chairman of the Commission or his designee.

#### **§ 9906. Termination**

The Commission is abolished on December 31, 1978.

#### **§ 9907. Severability**

If any provision of this Chapter, or of any rule, regulation or order thereunder of the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Chapter and the application of such provisions of this Chapter or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid, shall not be affected hereby.

#### **§ 9908. Supremacy**

All other laws or parts of laws now in effect inconsistent with the provisions of this chapter are hereby repealed, superseded, modified or amended so far as necessary to conform to and give full force and effect to the provisions of this Chapter.

Section 2. The sum of \$33,500 is hereby appropriated to the Commission for the fiscal year ending June 30, 1972 for the purpose of implementing the provisions of this Act. Funds appropriated herein which remain unexpended or unencumbered as of June 30, 1972, shall revert to the General Fund.

Section 3. This is a supplementary appropriation, and funds herein appropriated shall be paid from monies in the General Fund not otherwise appropriated.

Approved July 1, 1971.

## CHAPTER 180

## FORMERLY SENATE BILL NO. 359

**AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, ENTITLED "STATE EMPLOYEES' PENSION PLAN"; CHAPTER 39, TITLE 14, DELAWARE CODE, ENTITLED "TEACHERS' RETIREMENT AND DISABILITY PENSIONS"; AND VOLUME 57, LAWS OF DELAWARE, CHAPTERS 702 AND 741.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Volume 57, Laws of Delaware, Chapter 741, is amended as follows:

Section 38 is repealed.

Section 2. Chapter 55, Title 29, Delaware Code, is amended as follows:

A. §5501 (b) (3) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

"(3) (i) service for which credit was allowed pursuant to section 5522 as in effect on May 31, 1970 and service before June 1970 for which credit was allowed pursuant to section 5525 (a) and (b) as in effect on May 31, 1970; provided, however, that the provisions of section 5525 (c) as in effect on May 31, 1970 shall remain in effect, and (ii) service as a Justice of the Peace or as a Constable for Justice of the Peace Courts, regardless of whether he was paid by salary or by fee; provided, however, that if a Justice of the Peace or a Constable for Justice of the Peace Courts is eligible for a pension under a county or municipal pension system of this State, any such service used to establish eligibility under such county or municipal pension system shall only be used in determining such as employee's eligibility under this chapter and shall not be used to determine the pension to be paid under this chapter to such an employee,"

B. §5501 (b) (4) is amended by striking said subsection in

its entirety and inserting in lieu thereof a new subsection as follows:

“(4) full time active duty, not in excess of five years, in the Armed Services of the United States during time of war or national emergency, provided that the individual became an employee within two years after completion of his tour of duty or within two years after his completion of a course of professional or vocational training, if such course was begun within two years after completion of his tour of duty, except that the aforesaid two year period within which the individual must become an employee shall not apply to full time officers and members of the National Guard of the State of Delaware who were active members of the State Employees’ Pension Plan on June 1, 1970.”

C. § 5501 (b) (5) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

“(5) service in professional educational employment, not in excess of four years, performed for another State, a municipality in another State, the Federal Government, or an accredited private school or college, provided that the individual who rendered such service (i) subsequently becomes an employee as a school teacher, professional administrative or supervisory employee or school nurse employed in a public school, the State Department of Public Instruction, the University of Delaware, Delaware State College, or Delaware Technical and Community College, and (ii) on or before the date of his application for a pension, pays into the Fund an amount equal to 5% of his final average compensation for each month so credited; provided, however, that an individual shall not be permitted to obtain credited service under this section for out-of-state professional educational employment for any month during which such individual received a pension under this chapter.”

D. § 5501 (d) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

“(d) ‘Final average compensation’ shall mean, for any individual, the average compensation paid to him per month during the period of sixty consecutive months in his years of service credited under paragraph (b) (1), (2), and (3) in which his

compensation was highest, except that any part of such final average compensation in excess of \$2,000 shall be excluded.”

E. §5501 (e) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

“(e) ‘Board’ shall mean the Board of Pension Trustees established by section 8308 of Chapter 83, Title 29, Delaware Code.”

F. §5505 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

**§ 5505. University of Delaware**

Any sections of this chapter to the contrary notwithstanding –

(a) The term employee as used in this chapter shall exclude all designated faculty and designated professional staff of the University of Delaware who are first employed by the University after June 1, 1970.

(b) Faculty and designated professional staff of the University of Delaware who, as of January 1, 1971, have less than five years of credited service, exclusive of service credited under section 5501 (b) (4) or (5), and are in a position covered by the Teachers’ Insurance and Annuity Association Retirement Plan shall cease to be employees under this Chapter on January 1, 1971 and shall have their accumulated contributions with interest refunded upon the filing of an application on or after January 1, 1971, in a form prescribed by the Board.

(c) Faculty and designated professional staff of the University of Delaware who, as of January 1, 1971, have had five or more years of credited service, exclusive of service credited under section 5501 (b) (4) or (5), and are in a position covered by the Teachers’ Insurance and Annuity Association Retirement Plan may, effective January 1, 1971, elect to either

(1) continue to be an employee under this chapter and continue to make the contributions required under section 5543, or

(2) cease to be an employee under this chapter and leave their accumulated contributions in the State Employees' Retirement Fund, or

(3) cease to be an employee under this chapter and have their accumulated contributions with interest refunded upon the filing of an application on or after January 1, 1971, in a form prescribed by the Board.

(d) Faculty and designated professional staff who leave their accumulated contributions in the State Employees' Retirement Fund in accordance with paragraph (c) (2) shall become eligible to receive a service pension or acquire a vested right to a service pension in accordance with section 5522 and section 5523, respectively, provided that their age and total years of credited service under this chapter plus their years of service with the University of Delaware after January 1, 1971, meet the requirements of section 5522 or section 5523. The amount of the monthly service pension payable to any such faculty or designated professional staff shall be  $1/60$  of his final average compensation as of January 1, 1971, multiplied by the number of years, taken to the nearest twelfth of a year, in his period of credited service under this chapter, subject to a maximum of \$1,000.

(e) Faculty and designated professional staff who leave their accumulated contributions in the State Employees' Retirement Fund in accordance with paragraph (c) (2) shall become eligible to receive a disability pension or, in the event of death before commencement of service or disability pension payments, a monthly survivor's pension shall be payable to their eligible survivor or survivors only if they are eligible to receive a service pension under section 5522 (a) (2) or (3) as of January 1, 1971. All other such faculty and designated professional staff shall not become eligible to receive a disability pension or, in the event of death before commencement of service pension payments, a monthly survivor's pension shall not be payable to their eligible survivor or survivors. In the event any such individual dies after commencement of service or disability pension payments, the provisions of section 5528 (b) shall apply, provided that such individual had fifteen years of credited service under this chapter, exclusive of service credited under section 5501 (b) (4) or (5), as of January 1, 1971.

(f) By October 1 of each year beginning with 1970, the University of Delaware shall submit to the Board a list of the faculty and designated professional staff who are not employees under this chapter and are covered by the Teachers' Insurance and Annuity Association Retirement Plan, showing the estimated salaries of such faculty and professional staff for the fiscal year beginning July 1 of the following year. The Board shall apply the normal rate of contribution determined in accordance with section 5544 to the total estimated salaries of such faculty and professional staff and report the resulting amount to the Budget Director of the State by November 1 of each year beginning with 1970. The State shall appropriate such amount from the General Fund to the University of Delaware each fiscal year, payments of which shall be made in equal monthly installments, beginning with the fiscal year beginning July 1, 1971.

(g) § 5526 (b) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

“(b) Any disability pensioner who has not attained age sixty shall report to the Board by February 15 each year, beginning in 1972, in a form prescribed by the Board, his total earnings from any gainful occupation or business in the preceding calendar year. The excess of such earnings over one-half of the annual rate of compensation received by him before he became disabled shall be deducted from his disability pension during the twelve months beginning in March of the year following the calendar year for which earnings are reported, in a manner determined by the Board. If any person received a disability pension for less than twelve months in the calendar year for which earnings are reported, the deduction, if any, shall be determined on a pro rata basis.”

(h) § 5527 (b) is amended by adding thereto a new paragraph (3) as follows:

“(3) Any sections of this chapter to the contrary notwithstanding, where any employee is required to retire under section 5521 and such retirement occurs after December 31, 1970, and before January 1, 1975, if such employee does not have fifteen years of such credited service but has at least five years, the minimum amount payable shall be the lesser of \$10 multiplied by

the number of years, taken to the nearest twelfth of a year, in his period of credited service, or his final average compensation.”

(i) § 5527 is amended by adding thereto a new subsection (d) as follows:

“(d) In the case of an elected official who is not reelected after serving at least five years in such position, the minimum amount payable shall be \$10 multiplied by each year of such service, taken to the nearest twelfth of a year, and, any sections of this chapter to the contrary notwithstanding, he shall become eligible to receive a pension beginning with the first month after his attainment of age sixty.”

(j) § 5528 (d) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

“(d) The amount payable to a widow or widower who has not attained age fifty at the time the survivor’s pension begins shall be actuarially reduced, in accordance with actuarial tables approved by the Board, for each month the survivor is under age fifty at such time; provided, however, that the actuarial reduction for any such widow or widower shall not apply for the period during which such widow or widower has in his or her care a son or daughter who is unmarried and either: (i) has not attained age eighteen, (ii) has attained age eighteen but not age twenty-one and is attending school on a full-time basis, or (iii) has attained age eighteen and is permanently disabled as the result of a disability which began before he attained age eighteen.”

(k) § 5541 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

#### **§ 5541. Establishment of Fund**

There shall be established a State Employees’ Retirement Fund, hereinafter referred to as ‘Fund’, to which State appropriations and other employer contributions shall be deposited monthly, and to which employee contributions shall be deposited upon deduction from the employee’s paycheck, and to which earnings on investments, any other contributions, gifts, donations, grants, refunds, and reimbursements shall be deposited upon receipt, and from which benefits shall be paid and fees and expenses authorized by the Board shall be paid.”

(l) § 5542 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

**§ 5542. Board of Pension Trustees**

The Board of Pension Trustees established by section 8308 of Chapter 83, Title 29, Delaware Code, shall be responsible for the general administration of the provisions of this chapter in accordance with the provisions of Chapter 83, Title 29, Delaware Code.

Section 3. Volume 57, Laws of Delaware, Chapter 702 is repealed.

Section 4. Chapter 39, Title 14, Delaware Code, is amended as follows:

A. § 3902 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

**§ 3902. Retirement benefits**

Teachers who were inactive in their profession on April 23, 1945, who, prior to that date, taught in the public schools of this State for twenty-five years or more and are no longer capable of teaching, and teachers who were inactive in their profession on April 23, 1945, who, prior to that date, taught in the public schools of this State for fifteen years or more and who attain the age of sixty five, shall be entitled to receive a pension out of the fund continued by section 3901 of this title for the duration of their respective lives. The amount of such pension shall be determined by the number of years of teaching service, as follows:

15 years of service, \$185 per month;

16 to 20 years of service, \$190 per month;

21 to 25 years of service, \$200 per month;

26 or more years of service, \$210 per month.

B. § 3903 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

**§ 3903. Disability benefits**

Teachers who, prior to April 23, 1945, because of failing or lost eyesight, loss of limb or other physical disability, were required to abandon the teaching profession, and, by reason of such disability, are incapable of securing employment producing a living wage, and who taught as many as three school years in this State, shall be entitled to receive, out of the fund continued by section 3901 of this title, the sum of \$185 per month for the duration of their respective disabilities.

**Section 5. Effective date**

This Act shall be effective as of June 1, 1970, the effective date of Chapter 55, Title 29, Delaware Code, as amended by Volume 57, Laws of Delaware, Chapter 592; provided, however, that any increase in pensions resulting from the provisions of section 2H shall first become payable on the first day of the third month following approval by the Governor, and any increase in pensions resulting from the provisions of section 4 shall not apply retroactively, and shall first become payable on the first day of the third month following approval by the Governor. The provisions of Volume 57, Laws of Delaware, Chapter 592, except for section 5502 and section 5532, and the provisions of this Act, except for section 2H and section 4, shall not apply to any person unless he is an employee under this chapter on or after June 1, 1970 and he has contributed to the State Employees' Retirement Fund for at least one year on or after May 31, 1969.

Approved July 1, 1971.

## CHAPTER 181

## FORMERLY SENATE BILL NO. 468

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HIGHWAYS AND TRANSPORTATION FOR THE INSTALLATION OF A FLASHING BEACON AT THE INTERSECTION OF DELAWARE ROUTES 28 AND 20.**

WHEREAS, on Friday afternoon, June 18, 1971, at the intersection of Delaware routes 28 and 20, at a location known as Hardscrapple, four (4) persons were fatally injured, one of which was a two year old child; and

WHEREAS, the quadruple fatality which occurred Friday, June 18, 1971, was one of the worst accidents in the State of Delaware since early 1970; and

WHEREAS, the said intersection of Delaware routes 28 and 20 at the community of Hardscrapple has been the scene of numerous serious accidents; and

WHEREAS, the said intersection is presently controlled only by stop signs; and

WHEREAS, in the interest of the public safety of all concerned a large flashing signal at the intersection of Delaware routes 28 and 20 with advance warning will better serve to inform the driving public of said intersection;

**NOW, THEREFORE,**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of One Thousand Dollars (\$1000) is hereby appropriated to the Department of Highways and Transportation for the purpose of installing a 12 inch in diameter flashing beacon with advance warning signs at the intersection of Delaware routes 28 and 20.

Section 2. This Act is a supplementary appropriation and

the funds hereby appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 3. The funds so appropriated shall be used only for the purpose herein specified, and any funds appropriated but remain unexpended by June 30, 1972, shall revert to the General Fund of the State Treasury.

Approved July 1, 1971.

## CHAPTER 182

FORMERLY HOUSE BILL NO. 200  
AS AMENDED BY SENATE AMENDMENT NO. 2  
AND SENATE AMENDMENT NO. 7

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF  
THE STATE GOVERNMENT FOR THE FISCAL YEAR  
ENDING JUNE 30, 1972.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The several amounts named in this Act, or such part thereof as may be necessary and essential to the proper conduct of the business of the agencies named herein, during the fiscal year ending June 30, 1972, are hereby appropriated and authorized to be paid out of the Treasury of this State by the respective departments and divisions of State Government, and other specified spending agencies, subject to the limitations of this Act and to the provisions of Part VI, Title 29, Delaware Code, as amended or qualified by this Act, all other provisions of the Delaware Code notwithstanding. All parts or portions of the several sums appropriated by this Act which, on the first day of July, 1972, shall not have been paid out of the State Treasury, shall revert to the General Fund; provided, however, that no funds shall revert which are encumbered pursuant to Section 6521, Title 29, Delaware Code.

The several amounts hereby appropriated are as follows:

	Year Ending June 30, 1972
DEPARTMENTS	
(01-00-000)LEGISLATIVE	
(01-01-000) GENERAL ASSEMBLY - HOUSE	
Salaries - House Members .....	234,000
Salaries - Attaches .....	68,900
Salary of Chief Clerk .....	6,000
Travel .....	<u>27,100</u>
Total - General Assembly - House .....	336,000

## (01-02-000) GENERAL ASSEMBLY – SENATE

Salaries – Senate Members .....	114,000
Salaries – Attaches .....	70,000
Salary of Secretary of the Senate .....	6,000
Salary of Assistant Secretary of the Senate .....	4,500
Salary of MT/ST Operator .....	5,500
Travel .....	17,500

Total – General Assembly – Senate ..... 217,500

## (01-03-000) COMMISSION ON MODERNIZATION OF STATE LAWS

Travel .....	610
Contractual Services .....	1,000

Total – Commission on Modernization of State Laws ..... 1,610

## (01-05-000) COMMISSION ON INTERSTATE COOPERATION

Travel	
Legislative .....	18,000
Other Travel .....	2,000
Contractual Services	
Council on State Governments .....	15,110
Delaware River Basin Advisory Committee .....	84,500
National Legislative Leaders Conference .....	1,000
Southern Nuclear Board .....	8,554
Other Contractual Services .....	4,700
Supplies and Materials .....	100

Total – Commission on Interstate Cooperation ..... 133,964

## (01-08-000) LEGISLATIVE COUNCIL

## (01-08-001) Office of Director

Salary of Director .....	20,500
Salary of Assistant Director .....	15,000
Salaries – Part-time .....	7,260
Salaries and Wages of Employees (8) .....	60,760
Personal Services	
House .....	1,000
Senate .....	1,000
Travel .....	8,000
Contractual Services .....	27,800

Supplies and Materials .....	27,000
Capital Outlay .....	<u>6,900</u>
Total – Office of Director .....	175,220
<b>(01-08-002) OFFICE OF CONTROLLER-GENERAL</b>	
Salary of Controller-General .....	18,375
Salaries and Wages of Employees (2) .....	17,910
Travel .....	600
Contractual Services .....	200
Supplies and Materials .....	3,000
Capital Outlay .....	<u>200</u>
Total – Office of Controller-General .....	<u>40,285</u>
Total – Legislative Council .....	<u>231,278</u>
<b>TOTAL – LEGISLATIVE .....</b>	<b>904,579</b>
<b>(02-00-000) JUDICIAL</b>	
<b>(02-01-000) SUPREME COURT</b>	
Salary of Chief Justice .....	34,500
Salaries of Associate Justices (2) .....	68,000
Salaries – Part-time .....	735
Salaries and Wages of Employees (8) .....	63,871
Travel .....	2,600
Contractual Services .....	8,250
Supplies and Materials .....	2,750
Capital Outlay .....	<u>3,000</u>
Total – Supreme Court .....	183,706
<b>(02-02-000) COURT OF CHANCERY</b>	
Salary of Chancellor .....	31,500
Salaries of Vice-Chancellors (2) .....	62,000
Salaries and Wages of Employees (11) .....	92,500
Personal Services .....	1,000
Travel .....	2,200
Contractual Services .....	3,050
Supplies and Materials .....	3,500
Capital Outlay .....	<u>3,800</u>
Total – Court of Chancery .....	199,550

## (02-03-000) SUPERIOR COURT

Salary of President Judge .....	31,500
Salaries of Associate Judges (8) .....	248,000
Salaries of Jury Commissioners (6) .....	6,000
Salaries and Wages of Employees (63.5) .....	488,000
Personal Services .....	49,300
Travel .....	20,000
Contractual Services	
Jury Costs .....	300,000
Other Contractual Services .....	27,000
Supplies and Materials .....	12,500
Capital Outlay .....	15,000

Total – Superior Court ..... 1,197,300

## (02-04-000) COMMON PLEAS COURT – KENT COUNTY

Salary of Judge .....	27,000
Salaries – Part-time .....	9,374
Salaries and Wages of Employees (4) .....	28,900
Travel .....	750
Contractual Services	
Jury Costs .....	14,800
Other Contractual Services .....	5,000
Supplies and Materials .....	1,500
Capital Outlay .....	1,500

Total – Common Pleas Court – Kent County ..... 88,824

## (02-05-000) COMMON PLEAS COURT – SUSSEX COUNTY

Salary of Judge .....	27,000
Salaries – Part-time .....	5,700
Salaries and Wages of Employees (6) .....	39,700
Personal Services – Public Defender .....	750
Travel .....	100
Contractual Services	
Jury Costs .....	15,000
Other Contractual Services .....	4,400
Supplies and Materials .....	2,600
Capital Outlay .....	1,500

Total – Common Pleas Court – Sussex County ..... 96,750

(02-06-000) COMMON PLEAS COURT – NEW CASTLE COUNTY	
Salaries of Judges (2) .....	54,000
Salaries and Wages of Employees (13) .....	96,100
Personal Services	
Contingency – Court Reporter .....	10,000
Other Personal Services .....	1,000
Travel .....	1,800
Contractual Services .....	10,000
Supplies and Materials .....	3,000
Capital Outlay .....	3,000
	<hr/>
Total – Common Pleas Court – New Castle County	178,900
(02-07-000) FAMILY COURT – KENT AND SUSSEX COUNTIES	
Salaries of Judges (2) .....	54,000
Salary of Director .....	10,000
Salaries and Wages of Employees (35) .....	230,000
Personal Services – Masters .....	14,000
Travel .....	18,000
Contractual Services .....	17,000
Supplies and Materials .....	6,000
Capital Outlay .....	5,000
	<hr/>
Total – Family Court – Kent and Sussex Counties ..	354,100
(02-08-000) FAMILY COURT – NEW CASTLE COUNTY	
Salaries of Judges (3) .....	81,000
Salary of Director .....	17,400
Salaries – Part-time .....	3,200
Salaries and Wages of Employees (81) .....	567,760
Personal Services – Masters .....	18,000
Travel .....	5,000
Contractual Services .....	35,000
Supplies and Materials .....	6,750
Capital Outlay .....	5,000
National Conference Expenses .....	4,000
	<hr/>
Total – Family Court – New Castle County .....	743,110
(02-09-000) KENT COUNTY LAW LIBRARY	
Salaries and Wages of Employees (2) .....	9,600
Contractual Services .....	1,800

Supplies and Materials .....	200
Capital Outlay .....	<u>13,500</u>
Total – Kent County Law Library .....	25,100
<b>(02-10-000) SUSSEX COUNTY LAW LIBRARY</b>	
Salaries – Part-time .....	1,350
Contractual Services .....	2,000
Supplies and Materials .....	100
Capital Outlay .....	<u>10,000</u>
Total – Sussex County Law Library .....	13,450
<b>(02-11-000) NEW CASTLE COUNTY LAW LIBRARY</b>	
Salaries and Wages of Employees (1) .....	7,000
Contractual Services .....	1,800
Supplies and Materials .....	150
Capital Outlay .....	<u>14,000</u>
Total – New Castle County Law Library .....	22,950
<b>(02-12-000) COUNCIL ON ADMINISTRATION OF JUSTICE</b>	
Travel .....	200
Contractual Services .....	<u>300</u>
Total – Council on Administration of Justice .....	500
<b>(02-13-000) SUPERVISOR OF JUSTICES OF PEACE</b>	
Salary of Deputy Administrator .....	23,000
Salary of Assistant Deputy Administrator .....	13,000
Salaries of Justices of Peace (53) .....	530,000
Salaries of Constables (26) .....	151,000
Salaries of Chief Clerks (15) .....	89,000
Salaries of Deputy Clerks (50) .....	242,500
Salaries of Bailiffs (5) .....	30,000
Salaries and Wages of Employees (5) .....	35,200
Personal Services .....	11,400
Travel	
Constables .....	27,000
Other Travel .....	2,000
Contractual Services	
Rents .....	57,300
Other Contractual Services .....	30,000

Supplies and Materials .....	22,350
Capital Outlay .....	<u>7,200</u>
Total – Supervisor of Justices of Peace .....	1,270,950
<b>(02-14-000) COURT ON THE JUDICIARY</b>	
Personal Services .....	4,000
Travel .....	300
Contractual Services .....	500
Supplies and Materials .....	<u>200</u>
Total – Court on the Judiciary .....	<u>5,000</u>
<b>TOTAL – JUDICIAL .....</b>	<b>4,380,190</b>
<b>(10-00-000) EXECUTIVE OFFICES</b>	
<b>(10-01-000) OFFICE OF THE GOVERNOR</b>	
Salary of Governor .....	35,000
Salaries and Wages of Employees (16.5) .....	181,687
Personal Services .....	5,500
Travel	
Governors Conference .....	800
Other Travel .....	6,000
Contractual Services .....	19,500
Supplies and Materials .....	9,500
Capital Outlay .....	1,200
Contingency – Other Expenses .....	<u>5,400</u>
Total – Office of the Governor .....	264,587
<b>(10-02-000) OFFICE OF THE BUDGET</b>	
<b>(10-02-001) Budget Office</b>	
Salary of Budget Director .....	22,000
Salaries – Overtime .....	4,000
Salaries and Wages of Employees (7) .....	78,800
Personal Services .....	10,000
Travel .....	1,000
Contractual Services .....	11,000
Supplies and Materials .....	3,000
Capital Outlay .....	<u>800</u>
Total – Budget Office .....	130,600

(10-02-006) BUDGET COMMISSION	
Contingency –	
Emergency Fund .....	300,000
Boiler and Roof Repair .....	50,000
Rents – Court Spaces .....	<u>353,000</u>
Total – Budget Commission .....	<u>703,000</u>
<b>TOTAL – OFFICE OF THE BUDGET .....</b>	<b>833,600</b>
(10-03-000) STATE PLANNING OFFICE	
Salary of Director .....	22,000
Salaries and Wages of Employees (19) .....	165,079
Personal Services .....	750
Travel .....	1,000
Contractual Services .....	21,000
Supplies and Materials .....	3,000
Capital Outlay .....	<u>750</u>
Total – State Planning Office .....	213,579
(10-04-000) OFFICE OF PERSONNEL	
Salary of Commissioners (5) .....	2,250
Salary of Director .....	21,000
Salaries and Wages of Employees (13) .....	97,500
Personal Services .....	1,000
Travel .....	1,700
Contractual Services .....	9,000
Supplies and Materials .....	5,000
Capital Outlay .....	<u>1,000</u>
Total – Office of Personnel .....	138,450
(10-05-000) SPECIAL PROJECTS	
Summer Fellows Program .....	<u>10,000</u>
Total – Special Projects .....	<u>10,000</u>
<b>TOTAL – EXECUTIVE OFFICES .....</b>	<b>1,460,216</b>
(12-00-000) OTHER ELECTIVE OFFICES	
(12-01-000) LIEUTENANT GOVERNOR	
Salary of Lieutenant Governor .....	9,000

Salaries and Wages of Employees (1) .....	6,960
Travel .....	2,400
Contractual Services .....	900
Supplies and Materials .....	<u>300</u>
Total – Lieutenant Governor .....	19,560
<b>(12-02-000) AUDITOR OF ACCOUNTS</b>	
Salary of Auditor .....	18,000
Salaries – Part-time .....	7,000
Salaries and Wages of Employees (26) .....	250,900
Personal Services .....	45,000
Travel .....	3,000
Contractual Services .....	5,000
Supplies and Materials .....	9,000
Capital Outlay .....	<u>8,000</u>
Total – Auditor of Accounts .....	345,900
<b>(12-03-000) INSURANCE COMMISSIONER</b>	
Salary of Commissioner .....	18,000
Salary of Deputy .....	12,000
Salaries and Wages of Employees (15) .....	109,200
Personal Services .....	2,150
Travel .....	3,855
Contractual Services	
Insurance Premiums .....	411,500
Other Contractual Services .....	11,070
Supplies and Materials .....	5,000
Capital Outlay .....	1,000
Self-Insurance Fund .....	<u>225,000</u>
Total – Insurance Commissioner .....	798,775
<b>(12-04-000) STATE TREASURER</b>	
Salary of Treasurer .....	18,000
Salaries and Wages of Employees (1) .....	6,500
Travel .....	100
Contractual Services .....	500
Supplies and Materials .....	<u>500</u>
Total – State Treasurer .....	25,600
<b>TOTAL – OTHER ELECTIVE OFFICES .....</b>	<b>1,189,835</b>

**(15-00-000) LEGAL****(15-01-000) DEPARTMENT OF JUSTICE**

Salary of Attorney General .....	30,000
Salary of Chief Deputy Attorney General .....	22,500
Salary of Assistant County Deputies (27) .....	302,330
Salary of State Solicitor .....	20,000
Salary of State Prosecutor .....	20,000
Salaries of State Detectives (5) .....	31,500
Salaries – (Part-time) .....	5,000
Salaries and Wages of Employees (29) .....	193,730
Personal Services .....	7,000
Travel .....	5,600
Contractual Services .....	34,765
Supplies and Materials .....	10,835
Capital Outlay .....	5,000

Total – Department of Justice ..... 688,260

**(15-02-000) PUBLIC DEFENDER**

Salary of Public Defender .....	18,000
Salaries and Wages of Employees (10) .....	91,000
Personal Services	
Lawyers .....	120,000
Other Personal Services .....	19,000
Travel .....	2,000
Contractual Services .....	10,550
Supplies and Materials .....	2,500
Capital Outlay .....	1,600

Total – Public Defender ..... 264,650

**(15-03-000) BOARD OF PAROLE**

Salaries of Board Members (4) .....	14,400
Salary of Board Chairman .....	18,000
Salaries – Overtime .....	1,000
Salaries and Wages of Employees (3) .....	22,200
Travel .....	3,000
Contractual Services .....	10,200
Supplies and Materials .....	500
Capital Outlay .....	1,800

Total – Board of Parole ..... 71,100

(15-04-000) BOARD OF PARDONS	
Salary of President .....	244
Personal Services .....	96
Travel .....	100
	<hr/>
Total – Board of Pardons .....	440
TOTAL – LEGAL .....	1,024,450
(20-00-000) DEPARTMENT OF STATE	
(20-01-000) OFFICE OF THE SECRETARY	
Salary of Secretary of State .....	25,000
Salary of Assistant to the Secretary .....	15,000
Salaries and Wages of Employees (4) .....	26,832
Travel .....	1,000
Contractual Services	
Printing and Binding Session Laws .....	30,000
Other Contractual Services .....	18,805
Supplies and Materials .....	2,500
Capital Outlay .....	600
	<hr/>
Total – Office of the Secretary .....	119,737
(20-05-000) DIVISION OF CORPORATIONS	
(20-05-001) INCORPORATING SECTION	
Salaries and Wages of Employees (28) .....	146,972
Travel .....	1,500
Contractual Services	
Dissolution Account .....	1,000
Other Contractual Services .....	20,508
Supplies and Materials .....	20,910
Capital Outlay .....	2,200
	<hr/>
Total – Incorporating Section .....	193,090
(20-05-002) FRANCHISE TAX SECTION	
Salaries and Wages of Employees (17) .....	89,520
Contractual Services .....	600
Supplies and Materials .....	13,090
Capital Outlay .....	2,200
	<hr/>
Total – Franchise Tax Section .....	105,410

<b>(20-05-003) UNIFORM COMMERCIAL CODE</b>	
Salaries and Wages of Employees (2) .....	13,536
Contractual Services .....	87
Supplies and Materials .....	1,500
<b>Total – Uniform Commercial Code .....</b>	<b>15,123</b>
<b>TOTAL – DIVISION OF CORPORATIONS .....</b>	<b>313,623</b>
<b>(20-06-000) DIVISION OF HISTORICAL AND CULTURAL AFFAIRS</b>	
<b>(20-06-001) OFFICE OF DIRECTOR</b>	
Salary of Director .....	23,000
Salary of Historian .....	17,000
Salaries – Summer Help .....	2,370
Salaries – Part-time .....	8,600
Salaries – Overtime .....	500
Salaries and Wages of Employees (17) .....	107,307
Personal Services .....	800
Travel .....	900
<b>Contractual Services</b>	
Sussex County Courthouse .....	300
Robinson House – Blockhouse .....	300
Other Contractual Services .....	7,600
<b>Supplies and Materials</b>	
Film .....	4,000
Robinson House – Blockhouse .....	500
Other Supplies and Materials .....	3,500
Capital Outlay .....	1,000
Historic Markers .....	1,000
<b>Total – Office of Director .....</b>	<b>178,677</b>
<b>(20-06-002) NATIONAL HISTORIC REGISTER PROGRAM</b>	
<b>Salaries and Wages of Employees (3)</b>	
(State Funds – \$13,300; All Other Funds – \$13,300) .....	13,300
Personal Services .....	250
Travel .....	450
Contractual Services .....	700
Supplies and Materials .....	600
Capital Outlay .....	2,900
<b>Total – National Historic Register Program .....</b>	<b>18,200</b>

(20-06-003) STATE MUSEUM	
Salaries – Part-time .....	1,000
Salaries – Overtime .....	1,200
Salaries and Wages of Employees (10) .....	65,833
Travel .....	250
Contractual Services .....	1,600
Supplies and Materials .....	1,200
	<hr/>
Total – State Museum .....	71,083
(20-06-004) JOHN DICKINSON MANSION	
Salaries – Part-time .....	1,000
Salaries and Wages of Employees (3) .....	19,452
Contractual Services .....	400
Supplies and Materials .....	500
Capital Outlay .....	150
	<hr/>
Total – John Dickinson Mansion .....	21,502
(20-06-005) FORT CHRISTINA MONUMENT	
Salaries – Part-time .....	750
Salaries and Wages of Employees (2) .....	8,820
Contractual Services .....	1,800
Supplies and Materials .....	500
Capital Outlay .....	50
	<hr/>
Total – Fort Christina Monument .....	11,920
(20-06-008) PORTRAIT COMMISSION	
Travel .....	25
Contractual Services .....	150
Supplies and Materials .....	25
	<hr/>
Total – Portrait Commission .....	200
(20-06-009) LEWES MEMORIAL COMMISSION	
Salaries – Part-time .....	750
Salaries and Wages of Employees (3) .....	15,281
Travel .....	150
Contractual Services .....	1,600
Supplies and Materials .....	300
	<hr/>
Total – Lewes Memorial Commission .....	18,081

## (20-06-010) NEW CASTLE HISTORIC BUILDING

Salaries – Part-time .....	1,000
Salaries and Wages of Employees (4) .....	17,941
Contractual Services .....	3,100
Supplies and Materials .....	500
Capital Outlay .....	<u>500</u>

Total – New Castle Historic Building ..... 23,041

## (20-06-011) DELAWARE DAY COMMISSION

Salaries – Part-time .....	640
Contractual Services .....	1,225
Supplies and Materials .....	<u>1,635</u>

Total – Delaware Day Commission ..... 3,500

## (20-06-012) ARCHAEOLOGICAL BOARD

Salary of Archaeologist .....	10,815
Salaries – Part-time .....	1,500
Salaries and Wages of Employees (4) .....	25,900
Travel .....	600
Contractual Services .....	3,450
Supplies and Materials .....	2,200
Capital Outlay .....	<u>2,500</u>

Total – Archaeological Board ..... 46,965

## (20-06-013) FISHER HOUSE

Salaries and Wages of Employees (1) .....	4,308
Contractual Services .....	750
Supplies and Materials .....	<u>350</u>

Total – Fisher House ..... 5,408

## (20-06-014) OCTAGONAL SCHOOLHOUSE

Salaries and Wages of Employees (1) .....	4,308
Contractual Services .....	770
Supplies and Materials .....	<u>350</u>

Total – Octagonal Schoolhouse ..... 5,428

## (20-06-015) PRINCE GEORGE CHAPEL

Salaries and Wages of Employees (1.5) .....	6,696
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Contractual Services .....	900
Supplies and Materials .....	350
	<hr/>
Total – Prince George Chapel .....	7,946
 (20-06-016) DELAWARE STATE ARTS COUNCIL	
Salary of Director .....	13,250
Salaries and Wages of Employees (1) .....	6,615
Travel .....	750
Contractual Services .....	2,000
Supplies and Materials .....	1,500
Contingency – Programs .....	25,885
	<hr/>
Total – Delaware State Arts Council .....	50,000
Total – Division of Archives and Cultural Affairs ...	461,951
 TOTAL – DEPARTMENT OF STATE .....	 895,311
 (25-00-000) DEPARTMENT OF FINANCE	
(25-01-000) OFFICE OF THE SECRETARY	
Salary of Secretary .....	29,000
Salaries and Wages of Employees (2) .....	18,100
Travel .....	500
Contractual Services .....	800
Supplies and Materials .....	1,000
	<hr/>
Total – Office of the Secretary .....	49,400
 (25-05-000) DIVISION OF ACCOUNTING	
Salary of Director .....	17,500
Salaries – Overtime .....	4,000
Salaries and Wages of Employees (28.5) .....	214,854
Personal Services .....	2,500
Travel .....	2,000
Contractual Services .....	10,000
Supplies and Materials .....	4,500
Capital Outlay .....	800
	<hr/>
Total – Division of Accounting .....	256,154

(25-06-000) DIVISION OF REVENUE

(25-06-001) State Tax

Salaries of Board Members (5) .....	13,000
Salary of Commissioner .....	28,000
Salaries – Part-time .....	11,848
Salaries – Overtime .....	4,000
Salaries and Wages of Employees (176) .....	1,133,004
Personal Services .....	5,000
Travel .....	8,000
Contractual Services .....	240,500
Supplies and Materials .....	57,328
Capital Outlay .....	<u>2,500</u>

Total – State Tax ..... 1,503,180

(25-07-000) DIVISION OF TREASURY

(25-07-001) Office of the Director

Salaries – Part-time .....	2,000
Salaries and Wages of Employees (12) .....	86,400
Personal Services .....	100
Travel .....	700
Contractual Services .....	15,800
Supplies and Materials .....	31,500
Capital Outlay .....	500
Contingency – Lost and Outdated Checks .....	<u>2,500</u>

Total – Office of the Director ..... 139,500

(25-07-002) PENSIONS AND INVESTMENTS

Salaries – Overtime .....	2,000
Salaries and Wages of Employees (11) .....	86,800
Personal Services .....	2,000
Travel .....	1,100
Contractual Services .....	8,800
Supplies and Materials .....	5,200
Capital Outlay .....	6,500
State Retirement Plans – Pensions .....	8,000,000
State Employees Health Care Insurance Plan .....	2,200,000
Social Security – Contributions .....	<u>6,000,000</u>

Total – Pensions and Investments ..... 16,312,400

(25-07-011) MUNICIPAL STREET AID FUND	
Street Improvement Aid Funds .....	2,000,000
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Total – Municipal Street Aid Fund .....	2,000,000
(25-07-012) BOND ISSUING OFFICERS	
Expense of Issuing Bonds .....	35,000
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Total – Bond Issuing Officers .....	35,000
(25-07-013) DEBT SERVICE	
State Obligations	
Redemptions .....	27,355,000
Interest .....	14,823,082
County Obligations	
Redemptions .....	25,000
Interest .....	938
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Total – Debt Service .....	42,204,020
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Total – Division of the Treasury .....	60,690,920
(25-08-000) VETERANS SERVICE DIVISION	
Salary of Deputy Director .....	12,600
Salaries and Wages of Employees (3) .....	17,260
Travel .....	1,750
Contractual Services .....	6,000
Supplies and Materials .....	2,500
Capital Outlay .....	600
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Total – Veterans Service Division .....	40,710
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TOTAL – DEPARTMENT OF FINANCE .....	62,540,364
(30-00-000) DEPARTMENT OF ADMINISTRATIVE SERVICES	
(30-01-000) OFFICE OF THE SECRETARY	
Salary of Secretary .....	25,000
Salary of Administrative Assistant .....	7,800
Salary of Comptroller .....	12,000
Travel .....	2,350
Contractual Services .....	8,000
Supplies and Materials .....	625

Contingency – Federal Grants Coordination Program .....	20,000
<b>Total – Office of the Secretary .....</b>	<b>75,775</b>
 (30-05-000) DIVISION OF STATE BUILDINGS	
(30-05-002) Custodian	
Salary of Custodian .....	13,650
Salary of Deputy .....	8,000
Salaries – Part-time .....	4,500
Salaries – Overtime .....	6,500
Salaries and Wages of Employees (106) .....	527,510
Personal Services .....	200
Travel .....	400
Contractual Services .....	441,000
Supplies and Materials .....	62,000
Capital Outlay .....	4,900
<b>Total – Custodian .....</b>	<b>1,068,660</b>
 (30-05-005) GOVERNOR’S HOUSE	
Salaries – Part-time .....	1,800
Contractual Services .....	300
Supplies and Materials .....	8,000
Capital Outlay .....	1,500
Contingency – Gardens .....	2,000
<b>Total – Governor’s House .....</b>	<b>13,600</b>
 (30-05-006) BUENA VISTA	
Salaries – Part-time .....	1,500
Salaries – Overtime .....	1,600
Salaries and Wages of Employees (3.5) .....	22,383
Contractual Services .....	5,600
Supplies and Materials .....	9,000
Capital Outlay .....	2,500
Contingency – Gardens .....	1,000
<b>Total – Buena Vista .....</b>	<b>43,583</b>
<b>Total – Division of State Buildings .....</b>	<b>1,125,843</b>

**(30-06-000) DIVISION OF PURCHASING**

Salary of Director .....	22,000
Salaries – Part-time .....	1,500
Salaries – Overtime .....	17,083
* (13) Salaries and Wages of Employees (29)* .....	205,509
Personal Services .....	500
Travel .....	2,850
Contractual Services .....	25,050
Supplies and Materials .....	21,235
Capital Outlay .....	850
<b>Total – Division of Purchasing .....</b>	<b>296,577</b>

**(\*) NOTE:**

( ) Salaries and Wages of Employees ( )  
 ↑ ↑

Numeral denotes information on other positions not paid out of General Fund appropriations.

Numeral denotes authorized full-time equivalent positions paid by General Fund appropriations.

**(30-07-000) DIVISION OF CENTRAL DATA PROCESSING**

Salary of Director .....	21,000
Salaries – Overtime .....	10,000
Salaries and Wages of Employees (84) .....	610,000
Personal Services .....	1,000
Travel .....	3,600
Contractual Services	
Rental – EDP Equipment .....	760,000
Other Contractual Services .....	33,000
Supplies and Materials .....	77,200
Capital Outlay .....	1,500

**Total – Division of Central Data Processing .....** 1,517,300

**(30-08-000) DIVISION OF BUSINESS AND OCCUPATIONAL REGULATION****(30-08-001) Office of Director**

Salary of Director .....	14,600
Salaries and Wages of Employees (40) .....	283,000
Contractual Services .....	57,000
Supplies and Materials .....	8,000

Capital Outlay .....	<u>6,000</u>
Total – Office of Director .....	368,600
 (30-08-002) BOARD OF ACCOUNTANCY	
Salaries of Board Members (5) .....	1,250
Travel .....	<u>250</u>
Total – Board of Accountancy .....	1,500
 (30-08-003) ALCOHOLIC BEVERAGE CONTROL COMMISSION	
Salaries of Board Members (5) .....	3,000
Salary of Executive Secretary .....	16,537
Personal Services	
Court Reporters .....	6,200
Accountant .....	4,500
Travel .....	<u>4,800</u>
Total – Alcoholic Beverage Control Commission .....	35,037
 (30-08-004) BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS	
Travel .....	<u>1,700</u>
Total – Board of Examiners and Registration of Architects .....	1,700
 (30-08-005) STATE ATHLETIC COMMISSION	
Salaries of Board Members (3) .....	900
Travel .....	<u>250</u>
Total – State Athletic Commission .....	1,150
 (30-08-006) BINGO CONTROL COMMISSION	
Salaries of Board Members (5) .....	2,500
Travel .....	<u>3,500</u>
Total – Bingo Control Commission .....	6,000
 (30-08-007) BOARD OF ELECTRICAL EXAMINERS	
Salaries of Board Members (3) .....	1,260
Travel .....	<u>500</u>
Total – Board of Electrical Examiners .....	1,760

(30-08-008) BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS	
Personal Services .....	200
Travel .....	1,000
Contractual Services .....	<u>3,600</u>
Total – Board of Registration for Professional Engineers and Land Surveyors .....	4,800
(30-08-009) HARNESS RACING COMMISSION	
Salaries of Board Members (3) .....	3
Salary of Executive Secretary .....	12,500
Travel .....	<u>4,800</u>
Total – Harness Racing Commission .....	17,303
(30-08-011) PUBLIC SERVICE COMMISSION	
Salaries of Board Members (5) .....	22,500
Salary of Executive Secretary .....	10,500
Personal Services .....	10,700
Travel .....	3,000
Contractual Services .....	4,800
Supplies and Materials .....	2,480
Capital Outlay .....	<u>2,200</u>
Total – Public Service Commission .....	56,180
(30-08-012) RACING COMMISSION	
Salaries of Board Members (4) .....	4
Travel .....	<u>2,400</u>
Total – Racing Commission .....	2,404
(30-08-013) REAL ESTATE COMMISSION	
Salaries of Board Members (5) .....	1,800
Travel .....	<u>600</u>
Total – Real Estate Commission .....	2,400
(30-08-015) BANK COMMISSIONER	
Salary of Bank Commissioner .....	17,850
Travel .....	<u>4,000</u>
Total – Bank Commissioner .....	21,850

Total – Division of Business and Occupational Regulation .....	520,684
<b>(30-10-000) DIVISION OF GRAPHICS AND PRINTING</b>	
Salaries and Wages of Employees (13) .....	93,000
Contractual Services .....	1,000
Supplies and Materials .....	<u>11,000</u>
Total – Division of Graphics and Printing .....	105,000
<b>TOTAL – DEPARTMENT OF ADMINISTRATIVE SERVICES .....</b>	<b>3,641,179</b>
<b>(35-00-000) DEPARTMENT OF HEALTH AND SOCIAL SERVICES</b>	
<b>(35-01-000) OFFICE OF THE SECRETARY</b>	
Salary of Secretary .....	34,000
Salaries and Wages of Employees (2) .....	13,200
Travel .....	1,000
Contractual Services .....	2,500
Supplies and Materials .....	3,000
Capital Outlay .....	<u>600</u>
Total – Office of the Secretary .....	54,300
<b>(35-02-000) OFFICE OF ADMINISTRATIVE SERVICES</b>	
Salaries – Overtime .....	2,000
Salaries and Wages of Employees (59) .....	486,423
Travel .....	2,000
Contractual Services .....	34,600
Supplies and Materials .....	10,000
Capital Outlay .....	<u>1,500</u>
Total – Office of Administrative Services .....	536,523
<b>(35-02-001) SOCIAL SERVICE PAYMENTS</b>	
(16.85) Salaries and Wages of Employees (23) ....	165,680
Travel .....	200
Capital Outlay .....	500
Contractual Services .....	<u>13,000</u>
Total – Social Service Payments .....	<u>179,380</u>
Total – Administrative Services .....	715,903

(30-08-008) BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS	
Personal Services .....	200
Travel .....	1,000
Contractual Services .....	<u>3,600</u>
Total – Board of Registration for Professional Engineers and Land Surveyors .....	4,800
(30-08-009) HARNESS RACING COMMISSION	
Salaries of Board Members (3) .....	3
Salary of Executive Secretary .....	12,500
Travel .....	<u>4,800</u>
Total – Harness Racing Commission .....	17,303
(30-08-011) PUBLIC SERVICE COMMISSION	
Salaries of Board Members (5) .....	22,500
Salary of Executive Secretary .....	10,500
Personal Services .....	10,700
Travel .....	3,000
Contractual Services .....	4,800
Supplies and Materials .....	2,480
Capital Outlay .....	<u>2,200</u>
Total – Public Service Commission .....	56,180
(30-08-012) RACING COMMISSION	
Salaries of Board Members (4) .....	4
Travel .....	<u>2,400</u>
Total – Racing Commission .....	2,404
(30-08-013) REAL ESTATE COMMISSION	
Salaries of Board Members (5) .....	1,800
Travel .....	<u>600</u>
Total – Real Estate Commission .....	2,400
(30-08-015) BANK COMMISSIONER	
Salary of Bank Commissioner .....	17,850
Travel .....	<u>4,000</u>
Total – Bank Commissioner .....	21,850

Total – Division of Business and Occupational Regulation .....	520,684
<b>(30-10-000) DIVISION OF GRAPHICS AND PRINTING</b>	
Salaries and Wages of Employees (13) .....	93,000
Contractual Services .....	1,000
Supplies and Materials .....	11,000
Total – Division of Graphics and Printing .....	105,000
<b>TOTAL – DEPARTMENT OF ADMINISTRATIVE SERVICES .....</b>	<b>3,641,179</b>
<b>(35-00-000) DEPARTMENT OF HEALTH AND SOCIAL SERVICES</b>	
<b>(35-01-000) OFFICE OF THE SECRETARY</b>	
Salary of Secretary .....	34,000
Salaries and Wages of Employees (2) .....	13,200
Travel .....	1,000
Contractual Services .....	2,500
Supplies and Materials .....	3,000
Capital Outlay .....	600
Total – Office of the Secretary .....	54,300
<b>(35-02-000) OFFICE OF ADMINISTRATIVE SERVICES</b>	
Salaries – Overtime .....	2,000
Salaries and Wages of Employees (59) .....	486,423
Travel .....	2,000
Contractual Services .....	34,600
Supplies and Materials .....	10,000
Capital Outlay .....	1,500
Total – Office of Administrative Services .....	536,523
<b>(35-02-001) SOCIAL SERVICE PAYMENTS</b>	
(16.85) Salaries and Wages of Employees (23) ....	165,680
Travel .....	200
Capital Outlay .....	500
Contractual Services .....	13,000
Total – Social Service Payments .....	179,380
Total – Administrative Services .....	715,903

(35-03-000) OFFICE OF PLANNING RESEARCH AND EVALUATION	
Salaries and Wages of Employees (1) .....	17,000
Travel .....	250
Contractual Services .....	300
Supplies and Materials .....	400
Capital Outlay .....	500
<b>Total – Office of Planning, Research and Evaluation</b> .....	<b>18,450</b>
(35-04-000) OFFICE OF MEDICAL EXAMINER	
Salaries – Overtime .....	2,500
Salaries and Wages of Employees (17.5) .....	180,562
Personal Services .....	7,500
Travel .....	2,500
Contractual Services .....	20,920
Supplies and Materials .....	7,000
Capital Outlay .....	4,000
<b>Total – Office of Medical Examiner</b> .....	<b>224,982</b>
(35-05-000) DIVISION OF PHYSICAL HEALTH	
(35-05-001) Office of the Director	
Salary of Director .....	27,000
Salaries and Wages of Employees (3.5) .....	25,000
Professional Boards	
Personal Services .....	5,000
Travel .....	7,000
Contractual Services .....	13,290
Supplies and Materials .....	2,000
Capital Outlay .....	800
<b>Total – Office of the Director</b> .....	<b>80,090</b>
(35-05-002) PUBLIC HEALTH	
(114) Salaries and Wages of Employees (157) .....	1,218,156
Personal Services	
School Examination Fees .....	36,000
Other Personal Services .....	8,000
Travel .....	4,000
Contractual Services	
New Jersey Virus Lab .....	12,500
Health Manpower .....	30,000
Other Contractual Services .....	72,000

Supplies and Materials	
Glasses – Optometry Division .....	4,000
Polio, Measles and Other Vaccine .....	25,000
Other Supplies and Materials .....	42,000
Capital Outlay .....	12,000
Contingency –	
Pre-Medical Examinations .....	10,000
Family Planning .....	100,000
Adolescent Program .....	100,000
Renal Disease .....	58,000
Crippled Children .....	65,000
<b>Total – Public Health .....</b>	<b>1,796,656</b>
<b>(30-05-003) EMILY P. BISSELL HOSPITAL</b>	
Salaries – Part-time .....	27,000
Salaries – Overtime .....	6,600
Salaries and Wages of Employees (131) .....	870,000
Personal Services	
Medical Fees .....	8,700
Other Personal Services .....	3,000
Travel .....	1,700
Contractual Services	
Contracts – Other Hospitals .....	9,000
Repairs – Buildings and Grounds .....	16,000
Other Contractual Services .....	79,000
Supplies and Materials	
Food .....	71,000
Drugs and Medical Supplies .....	70,000
Other Supplies and Materials .....	32,800
Capital Outlay .....	8,000
<b>Total – Emily P. Bissell Hospital .....</b>	<b>1,202,800</b>
<b>(35-05-004) DELAWARE HOME AND HOSPITAL</b>	
Salaries – Shift Differential .....	25,000
Salaries – Overtime .....	23,000
Salaries and Wages of Employees (514) .....	2,791,408
Personal Services .....	22,000
Travel .....	2,000
Contractual Services .....	209,900
Supplies and Materials	
Drugs and Medical Supplies .....	85,000

Other Supplies and Materials .....	475,000
Capital Outlay .....	<u>20,000</u>
Total – Delaware Home and Hospital .....	3,653,308
 (35-05-005) BOARD OF BARBER EXAMINERS	
Salaries of Board Members (7) .....	<u>2,100</u>
Total – Board of Barber Examiners .....	2,100
 (35-05-006) STATE BOARD OF CHIROPRACTIC EXAMINERS	
Salaries of Board Members (3) .....	<u>150</u>
Total – State Board of Chiropractic Examiners .....	150
 (35-05-007) BOARD OF COSMETOLOGY	
Salaries of Board Members (5) .....	<u>1,500</u>
Total – Board of Cosmetology .....	1,500
 (35-05-008) STATE BOARD OF DENTAL EXAMINERS	
Salaries of Board Members (5) .....	<u>800</u>
Total – State Board of Dental Examiners .....	800
 (35-05-009) MEDICAL COUNCIL OF DELAWARE	
Salaries of Board Members (3) .....	<u>2,500</u>
Total – Medical Council of Delaware .....	2,500
 (35-05-010) DELAWARE BOARD OF NURSING	
Salaries of Board Members (7) .....	1,000
Salary of Executive Director .....	<u>15,000</u>
Total – Delaware Board of Nursing .....	16,000
 (35-05-011) STATE BOARD OF EXAMINERS OF OPTOMETRY	
Salaries of Board Members (3) .....	<u>300</u>
Total – State Board of Examiners of Optometry .....	300

(35-05-012) STATE BOARD OF PHARMACY

Salaries of Board Members (5) .....	1,500
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Total – State Board of Pharmacy .....	1,500

(35-05-014) BOARD OF CHIROPODY AND/OR PODIATRY EXAMINERS

Salaries of Board Members (4) .....	160
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Total – Board of Chiropody and/or Podiatry .....	160

(35-05-016) STATE BOARD OF EXAMINERS OF UNDERTAKERS

Salaries of Board Members (5) .....	300
	<hr/>
Total – State Board of Examiners of Undertakers ...	300

(35-05-017) STATE BOARD OF VETERINARY EXAMINERS

Salaries of Board Members (5) .....	1,250
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Total – State Board of Veterinary Examiners .....	1,250

(35-05-019) RAT CONTROL PROGRAM

Salaries and Wages of Employees (11) .....	60,960
Travel .....	550
Contractual Services .....	3,000
Supplies and Materials .....	8,000
Capital Outlay .....	2,500
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Total – Rat Control Program .....	75,010
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TOTAL – Division of Physical Health .....	6,834,424
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(35-06-000) DIVISION OF MENTAL HEALTH AND  
MENTAL RETARDATION

(35-06-001) OFFICE OF THE DIRECTOR

Salary of Director .....	33,000
(3.3) Salaries and Wages of Employees (5.7) .....	47,661
Travel .....	1,800
Contractual Services .....	7,225
Supplies and Materials .....	2,000
Capital Outlay .....	1,000
	<hr/>
Total – Office of the Director .....	92,686

(35-06-002) DELAWARE STATE HOSPITAL

Salaries – Overtime .....	100,000
(13.63) Salaries and Wages of Employees (858) ...	5,190,081
Personal Services	
Payments to Patients .....	22,000
Other Personal Services .....	75,500
Travel .....	3,500
Contractual Services	
Repairs – Buildings and Grounds .....	45,000
Other Contractual Services .....	312,000
Supplies and Materials	
Food .....	450,000
Drugs and Medical Supplies .....	191,000
Building Materials .....	25,000
Other Supplies and Materials .....	150,000
Capital Outlay .....	40,000
	<hr/>
Total – Delaware State Hospital .....	6,604,081

(35-06-003) MENTAL HYGIENE CLINICS

(.12) Salaries and Wages of Employees (59) .....	568,185
Personal Services .....	500
Travel .....	800
Contractual Services .....	42,000
Supplies and Materials	
Drugs and Medical Supplies .....	80,000
Other Supplies and Materials .....	5,000

Capital Outlay .....	4,000
<b>Total – Mental Hygiene Clinics .....</b>	<b>700,485</b>

## (35-06-004) GOVERNOR BACON HEALTH CENTER

Salaries – Overtime .....	30,000
(13.52) Salaries and Wages of Employees (258) ...	1,498,588
Personal Services	
Payments to Patients .....	2,000
Other Personal Services .....	25,000
Travel .....	700
Contractual Services	
Repairs – Buildings and Grounds .....	10,000
Hospital Contracts .....	2,500
Other Contractual Services .....	75,000
Supplies and Materials	
Drugs and Medical Supplies .....	27,000
Other Supplies and Materials .....	135,215
Capital Outlay .....	12,000
<b>Total – Governor Bacon Health Center .....</b>	<b>1,818,003</b>

## (35-06-005) HOSPITAL FOR THE MENTALLY RETARDED

Salaries – Overtime .....	36,000
(4.5) Salaries and Wages of Employees (448) .....	2,342,945
Personal Services	
Payments to Patients .....	8,000
Other Personal Services .....	25,000
Travel .....	1,000
Contractual Services	
Repairs – Buildings and Grounds .....	20,000
Other Contractual Services .....	140,000
Supplies and Materials	
Food .....	220,000
Other Supplies and Materials .....	125,720
Capital Outlay .....	8,000
<b>Total – Hospital for the Mentally Retarded .....</b>	<b>2,926,665</b>

## (35-06-006) COMMUNITY MENTAL RETARDATION PROGRAM

Salaries – Part-time .....	4,000
(6) Salaries and Wages of Employees (54) .....	291,800
Travel .....	500
Contractual Services .....	23,000
Supplies and Materials .....	27,000
Capital Outlay .....	14,000
Contingency – Small Group Living Centers .....	<u>14,780</u>

Total – Community Mental Retardation Program .... 375,080

## (35-06-007) TERRY CHILDREN'S PSYCHIATRIC CENTER

Salaries – Overtime .....	2,700
(32.75) Salaries and Wages of Employees (54) .....	374,557
Personal Services .....	7,000
Travel .....	2,500
Contractual Services .....	39,184
Supplies and Materials .....	35,730
Capital Outlay .....	<u>6,500</u>

Total – Terry Children's Psychiatric Center ..... 468,171

## (35-06-008) ALCOHOLIC SERVICES

Salaries – Overtime .....	8,000
Salaries and Wages of Employees (26) .....	175,100
Personal Services .....	13,200
Travel .....	2,000
Contractual Services .....	13,500
Supplies and Materials .....	19,000
Capital Outlay .....	<u>2,200</u>

Total – Alcoholic Services ..... 233,000

## (35-06-009) STATE SERVICE CENTERS

(1) Salaries and Wages of Employees (29) .....	167,120
Personal Services .....	7,500
Travel .....	1,275
Contractual Services .....	35,500
Supplies and Materials .....	7,000

Capital Outlay .....	3,625
Total – State Service Centers .....	<u>222,020</u>
TOTAL – Division of Mental Health and Mental Retar- dation .....	13,440,191

**(35-07-000) DIVISION OF SOCIAL SERVICES****(35-07-002) PUBLIC WELFARE**

(162) Salaries and Wages of Employees (150) .....	1,221,875
Personal Services .....	5,000
Travel .....	5,315
Contractual Services	
Blue Cross Contract .....	140,000
Other Contractual Services .....	130,000
Supplies and Materials .....	30,000
Capital Outlay .....	14,140
General Assistance Grants .....	2,800,000
Old Age Assistance Grants .....	815,000
Aid to Disabled Grants .....	1,430,000
Aid to Families with Dependent Children .....	4,150,000
Child Welfare Service – Direct Care .....	2,287,500
Medical Aid Program – Drugs .....	250,000
Purchase of Day Care .....	212,500
Title XIX Federal Programs	
Other than State Institutions .....	1,850,000
State Institutions .....	500,000
Purchase Homemaker Service .....	12,500
Hospital Care – Indigent Patients .....	1,650,000
Head Start Program .....	<u>250,000</u>
Total – Public Welfare .....	17,753,830

**(35-07-003) BLIND**

(19.4) Salaries and Wages of Employees (18) .....	127,809
Personal Services .....	4,500
Travel .....	3,000
Contractual Services	
Education Services .....	92,000
Bus Transportation .....	14,000

Other Contractual Services .....	13,000
Supplies and Materials	
Vocational Training .....	25,000
Other Supplies and Materials .....	3,000
Capital Outlay .....	1,500
Contingency – Stand Construction .....	5,000
Assistance Grants .....	249,291
<b>Total – Blind .....</b>	<b>538,100</b>

## (35-07-004) AGING

(6) Salaries and Wages of Employees (3) .....	20,005
Travel .....	1,000
Contractual Services .....	2,102
Supplies and Materials .....	350
Older American Act Grants .....	135,800
Employment of Elderly .....	25,000
Home Care – Geriatric Services .....	20,000
Contingency – Program in Nursing Homes .....	15,000
<b>Total – Aging .....</b>	<b>219,257</b>

**TOTAL – Division of Social Services .....18,511,187**

## (35-08-000) DIVISION OF CORRECTIONS

## (35-08-002) ADULT CORRECTIONS

Salaries – Shift Differential .....	148,000
Salaries – Part-time .....	10,000
Salaries – Overtime .....	70,000
Salaries and Wages of Employees (339) .....	2,456,584
Personal Services	
Payments to Inmates .....	25,000
Other Personal Services .....	62,100
Travel .....	9,000
Contractual Services .....	282,000
Supplies and Materials .....	350,368
Capital Outlay .....	18,048
<b>Total – Adult Corrections .....</b>	<b>3,431,100</b>

(35-08-003) JUVENILE CORRECTION

Salaries – Part-time .....	33,600
Salaries – Overtime .....	53,000
(21.4) Salaries and Wages of Employees (198) .....	1,426,378
Personal Services .....	74,500
Travel .....	4,700
Contractual Services .....	108,700
Supplies and Materials	
Food .....	110,000
Other Supplies and Materials .....	84,400
Capital Outlay .....	35,600
Contingency – Boys Group Home .....	47,500

Total – Juvenile Corrections ..... 1,978,378

TOTAL – Division of Corrections ..... 5,409,478

(35-09-000) DIVISION OF DRUG CONTROL

Salary of Director (1) .....	19,000
Salary of Assistant to Director (1) .....	10,416
Salary of Supervisor (1) .....	10,416
Salary of Wilmington Drug Coordinator (1) .....	9,000
Salary of Clerk-Stenographer (1) .....	5,352
Salary of Receptionist (1) .....	4,740
Salaries of Drug Counsellors (10) .....	52,092
Travel .....	8,000
Contractual Services .....	68,660
Supplies and Materials .....	12,200
Capital Outlay .....	2,200
Drug Abuse Treatment Centers .....	77,000

Total – Division of Drug Control ..... 279,076

(35-10-000) DIVISION OF YOUTH AFFAIRS

Salary of Director .....	18,000
(2) Salaries and Wages of Employees (3) .....	26,304
Travel .....	2,000
Contractual Services .....	2,000
Supplies and Materials .....	500

Capital Outlay .....	275
Total – Division of Youth Affairs .....	<u>49,079</u>
TOTAL – Department of Health and Social Services ...	45,537,070

(40-00-000) DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

(40-01-000) OFFICE OF THE SECRETARY

Salary of Secretary .....	31,000
Salaries and Wages of Employees (2) .....	22,900
Travel .....	1,000
Contractual Services .....	1,500
Supplies & Materials .....	1,200
Capital Outlay .....	<u>600</u>
Total – Office of the Secretary .....	58,200

(40-02-000) OFFICE OF ADMINISTRATION

Salaries and Wages of Employees (17) .....	127,068
Personal Services .....	50
Travel .....	200
Contractual Services .....	4,500
Supplies and Materials .....	2,500
Capital Outlay .....	<u>500</u>
Total – Office of Administration .....	134,818

(40-03-000) OFFICE OF INFORMATION AND EDUCATION

Salaries and Wages of Employees (3) .....	22,872
Travel .....	200
Contractual Services .....	25,000
Supplies and Materials .....	<u>2,500</u>
Total – Office of Information and Education .....	50,572

(40-04-000) OFFICE OF PLANNING AND CONSTRUCTION

Salaries and Wages of Employees (10) .....	98,875
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Travel .....	750
Contractual Services .....	1,500
Supplies and Materials .....	1,500
Capital Outlay .....	2,200
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Total – Office of Planning and Construction .....	104,825

## (40-05-000) DIVISION OF FISH AND WILDLIFE

## (40-05-001) Office of the Director

Salary of Director (State Funds \$10,000; All Other Funds \$10,000) .....	10,000
Salaries and Wages of Employees (2) .....	12,396
Travel .....	600
Contractual Services .....	1,200
Supplies and Materials .....	100
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Total – Office of the Director .....	24,296

## (40-05-002) WILDLIFE

Salaries – Overtime .....	10,000
(19) Salaries and Wages of Employees (14) .....	99,324
Personal Services .....	100
Travel .....	500
Contractual Services	
Kent County Dog Control .....	15,000
Delaware S.P.C.A. ....	30,000
Other Contractual Services .....	5,830
Supplies and Materials .....	8,100
Capital Outlay .....	3,800
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Total – Wildlife .....	172,654

## (40-05-003) FISHERIES

Salaries – Overtime .....	5,000
(2) Salaries and Wages of Employees (11) .....	73,752
Travel .....	500
Contractual Services	
Boat Repairs .....	4,000
Other Contractual Services .....	6,000

Supplies and Materials .....	11,000
Capital Outlay	
New Boats .....	15,000
Other Capital Outlay .....	<u>5,000</u>
Total – Fisheries .....	120,252
 (40-05-004) ATLANTIC STATES MARINE FISHERIES	
Travel .....	150
Contractual Services .....	<u>1,500</u>
Total – Atlantic States Marine Fisheries .....	1,650
 (40-05-005) TECHNICAL SERVICES	
(7) Salaries and Wages of Employees (2) .....	19,848
Personal Services .....	100
Travel .....	200
Contractual Services	
Wetlands Mapping .....	65,000
University of Delaware – Crabs & Clams Re- search .....	15,000
University of Delaware – Shellfish Research ....	10,000
Other Contractual Services .....	8,500
Supplies and Materials .....	1,900
Capital Outlay .....	<u>6,000</u>
Total – Technical Services .....	126,548
Total – Division of Fish and Wildlife .....	445,400
 (40-06-000) DIVISION OF PARKS, RECREATION AND FORESTRY	
 (40-06-001) Office of the Director	
Salary of the Director .....	20,000
Salaries and Wages of Employees (1) .....	8,316
Travel .....	425
Contractual Services .....	1,050
Supplies and Materials .....	<u>800</u>
Total – Office of the Director .....	30,591

## (40-06-002) PARKS AND RECREATION

(150) Salaries and Wages of Employees (53) .....	397,558
Personal Services .....	100
Travel .....	3,100
Contractual Services .....	60,000
Supplies and Materials .....	49,060
Capital Outlay .....	23,200
Contingency – Nature Center .....	18,000
Recreation Assistance Fund .....	400,000
<b>Total – Parks and Recreation .....</b>	<b>951,018</b>

## (40-06-003) FORESTRY AND FIRE PROTECTION

Salaries and Wages of Employees (15) .....	100,164
Personal Services	
Fire Wardens .....	1,300
Other Personal Services .....	600
Travel	
Fire Wardens .....	50
Other Travel .....	400
Contractual Services	
Fire Wardens .....	1,700
Other Contractual Services .....	3,400
Supplies and Materials	
Fire Wardens .....	820
Other Supplies and Materials .....	3,155
Capital Outlay .....	4,500
<b>Total – Forestry and Fire Protection .....</b>	<b>116,089</b>
<b>Total – Division of Parks, Recreation and Forestry ..</b>	<b>1,097,698</b>

## (40-07-000) DIVISION OF SOIL AND WATER CONSERVATION

Salary of Director .....	14,700
(10) Salaries and Wages of Employees (8) .....	70,128
Travel .....	1,000
Contractual Services	
Highway Crossing Contracts .....	85,000
Other Contractual Services .....	7,000

Supplies and Materials	
Highway Crossings .....	75,000
Other Supplies and Materials .....	5,400
Tax Ditches – Sussex County* .....	22,500
Tax Ditches – Kent County* .....	30,000
Tax Ditches – New Castle County* .....	30,000
*Pursuant to Section 3921, Title 7, Delaware Code	
Contingency – Creek Dredging .....	150,000
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Total – Division of Soil and Water Conservation .....	490,728

## (40-08-000) DIVISION OF ENVIRONMENTAL CONTROL

## (40-08-001) Office of the Director

Salary of Director (State Funds \$11,550; All Other Funds \$11,550) .....	11,550
Salaries and Wages of Employees (2) .....	14,208
Travel .....	2,625
Contractual Services .....	1,600
Supplies and Materials .....	775
Capital Outlay .....	300
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Total – Office of the Director ..... 31,058

## (40-08-002) AIR RESOURCES

(14) Salaries and Wages of Employees (10) .....	101,834
Personal Services .....	450
Travel .....	750
Contractual Services .....	15,000
Supplies and Materials .....	1,500
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Total – Air Resources ..... 119,534

## (40-08-003) WATER RESOURCES

(5) Salaries and Wages of Employees (12) .....	118,872
Personal Services .....	450
Travel .....	1,050
Contractual Services .....	25,975
Supplies and Materials .....	7,435

Capital Outlay .....	25,000
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Total – Water Resources .....	178,782
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**(40-08-004) TECHNICAL SERVICES**

(6) Salaries and Wages of Employees (15) .....	135,366
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Personal Services .....	1,500
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Travel .....	250
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Contractual Services .....	2,500
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Supplies and Materials .....	8,450
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Capital Outlay .....	4,500
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Total – Technical Services .....	152,566
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**(40-08-005) MOSQUITO CONTROL**

Salaries – Part-time .....	14,000
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Salaries – Overtime .....	2,000
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Salaries and Wages of Employees (21) .....	136,602
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Travel .....	400
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**Contractual Services**

Research Contracts – University of Delaware ..	34,000
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Spraying .....	65,000
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Other Contractual Services .....	20,000
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**Supplies and Materials**

Insecticides .....	40,000
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Other Supplies and Materials .....	25,000
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Total – Mosquito Control .....	337,002
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Total – Division of Environmental Control .....	818,942
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<b>TOTAL – DEPARTMENT OF NATURAL RE-</b> <b>SOURCES AND ENVIRONMENTAL CONTROL ...</b>	<b>3,201,183</b>
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**(45-00-000) DEPARTMENT OF PUBLIC SAFETY****(45-01-000) OFFICE OF THE SECRETARY**

Salary of Secretary .....	30,000
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Salary of Administrative Assistant .....	15,000
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Salaries and Wages of Employees (2) .....	14,550
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Travel .....	1,000
Contractual Services .....	3,000
Supplies and Materials .....	1,310
Capital Outlay .....	850

Total – Office of the Secretary ..... 65,710

(45-05-000) DIVISION OF ADMINISTRATION & INTER-  
GOVERNMENTAL SERVICES

(45-05-001) Office of Administration

Salary of Director .....	18,250
Salaries and Wages of Employees (8) .....	75,324
Contractual Services .....	2,400
Supplies and Materials .....	2,050
Capital Outlay .....	500

Total – Office of Administration ..... 98,524

(45-05-002) COMMUNICATIONS SECTION

Salary of Chief .....	15,000
Salaries – Overtime .....	3,000
Salaries and Wages of Employees (16) .....	138,900
Travel .....	600
Contractual Services .....	11,000
Supplies and Materials	
Materials for Resale .....	20,000
Other Supplies and Materials .....	7,700
Capital Outlay .....	10,000

Total – Communications Section ..... 206,200

Total – Division of Administration & Inter-  
governmental Services ..... 304,724

(45-06-000) DIVISION OF STATE POLICE

Salary of Superintendent .....	21,000
Salary of Assistant Superintendent .....	18,900
Salaries of Uniformed Division (383) .....	3,486,060
Salaries and Wages of Employees (94) .....	533,100

Personal Services .....	2,200
Travel .....	17,500
Contractual Services .....	315,775
Supplies and Materials .....	364,955
Capital Outlay	
Vehicle Replacement .....	259,000
Other Capital Outlay .....	30,570
Pension Fund Contribution .....	64,000
Contingency – Crime Reduction .....	<u>20,000</u>

Total – Division of State Police ..... 5,133,060

(45-07-000) DIVISION OF MOTOR VEHICLES

Salary of Director .....	18,000
Salaries and Wages of Employees (207) .....	1,195,500
Travel .....	1,550
Contractual Services	
Photographs for Licenses .....	50,000
Other Contractual Services .....	84,050
Supplies and Materials	
Tags, Stickers and Numerals .....	183,750
Other Supplies and Materials .....	57,475
Capital Outlay .....	11,500
Other Capital Outlay – Dover Lane .....	<u>26,000</u>

Total – Division of Motor Vehicles ..... 1,627,825

(45-08-000) DIVISION OF CIVIL DEFENSE

Salary of Director (State Funds \$6,500; All Other Funds \$6,500) .....	6,500
(8) Salaries and Wages of Employees (7) .....	50,800
Travel .....	800
Contractual Services .....	6,900
Supplies and Materials .....	3,300
Capital Outlay .....	3,300
Contingency – Consolidation of Services .....	<u>15,500</u>

Total – Division of Civil Defense ..... 87,100

## (45-09-000) DIVISION OF BOILER SAFETY

Salary of Chief Inspector .....	12,000
Salaries and Wages of Employees (5) .....	31,800
Travel .....	3,600
Contractual Services .....	3,500
Supplies and Materials .....	500
Capital Outlay .....	300

Total – Division of Boiler Safety ..... 51,700

## (45-10-000) FEDERAL STATE HIGHWAY SAFETY CO-ORDINATOR

Salary of Coordinator (State Funds \$7,500; All Other Funds \$7,500) .....	7,500
(1.5) Salaries and Wages of Employees (1.5) .....	13,130
Travel .....	1,200
Contractual Services .....	4,975
Supplies and Materials .....	875

Total – Federal – State Highway Safety Coordinator 27,680

## (45-11-000) DELAWARE AGENCY TO REDUCE CRIME

(11.5) Salaries and Wages of Employees .....	0
Personal Services .....	23,742
Travel .....	670
Contractual Services .....	2,066
Supplies and Materials .....	500
Capital Outlay .....	800
Program Grants .....	300,000
Aid to Local Law Enforcement Agencies .....	550,000
Contingency – Administrative .....	61,922

Total – Delaware Agency to Reduce Crime ..... 939,700

## (45-12-000) CAPITOL SECURITY

Salary of Chief .....	10,080
Salaries – Overtime .....	4,000
Salaries and Wages of Employees (9.5) .....	49,010
Contractual Services .....	22,000

Supplies and Materials .....	2,750
Capital Outlay .....	500

Total – Capitol Security .....	<u>88,340</u>
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TOTAL – DEPARTMENT OF PUBLIC SAFETY ..... 8,325,839

(50-00-000) DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT

(50-01-000) OFFICE OF THE SECRETARY

Salary of Secretary .....	26,000
Salaries and Wages of Employees (5) .....	41,110
Personal Services .....	500
Travel .....	2,800
Contractual Services .....	2,950
Supplies and Materials .....	1,500
Capital Outlay .....	1,000

Total – Office of the Secretary .....	<u>75,860</u>
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(50-05-000) OFFICE OF ECONOMIC OPPORTUNITY

Salary of Director (State Funds \$4,000; All Other Funds \$12,000) .....	4,000
Salary of Deputy Director (State Funds \$3,000; All Other Funds \$8,500) .....	3,000
(50) Salaries – Foster Grandparents (59) .....	103,684
(9) Salaries and Wages of Employees (8) .....	22,536
Personal Services .....	650
Travel .....	1,500
Contractual Services	
Workmen’s Compensation .....	400
Other Contractual Services .....	3,000
Supplies and Materials .....	350
Capital Outlay .....	1,070
Opportunities Industrialization Center .....	200,000

Total – Office of Economic Opportunity .....	<u>340,190</u>
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## (50-06-000) OFFICE OF HUMAN RELATIONS

Salary of Director .....	16,500
Salaries and Wages of Employees (9) .....	75,100
Personal Services .....	500
Travel .....	7,000
Contractual Services .....	10,750
Supplies and Materials .....	1,700
Capital Outlay .....	2,800

Total – Office of Human Relations ..... 114,350

## (50-08-000) DIVISION OF ECONOMIC DEVELOPMENT

## (50-08-002) State Development

Salary of Director .....	17,500
Salaries – Part-time .....	700
Salaries – Overtime .....	820
Salaries and Wages of Employees (14) .....	100,000
Personal Services .....	1,000
Travel .....	8,000
Contractual Services .....	52,000
Supplies and Materials .....	10,000
Capital Outlay .....	4,020
Delmarva Advisory Council Grant .....	15,600
Miss America Pageant .....	1,000
Contingency –	
Bi-Centennial Celebration – 1976 .....	4,000
Interstate Fishing Tournament .....	10,000

Total – State Development ..... 224,640

Total – Division of Economic Development ..... 224,640

## (50-09-000) DIVISION OF HOUSING

Salary of Director .....	25,000
Salaries and Wages of Employees (4) .....	33,500
Personal Services .....	10,000
Travel .....	2,000
Contractual Services .....	10,500

Supplies and Materials .....	3,500
Capital Outlay .....	<u>2,200</u>
Total – Division of Housing .....	86,700
<b>(50-10-000) DIVISION OF LIBRARIES</b>	
<b>(50-10-001) Office of the Director</b>	
Salary of Librarian (State Funds \$9450; All Other Funds \$8400) .....	9,450
(11) Salaries and Wages of Employees (12) .....	70,250
Travel .....	1,460
Contractual Services .....	9,930
Supplies and Materials .....	2,850
Capital Outlay .....	25,345
Grants to Public Libraries .....	<u>40,000</u>
Total – Office of the Director .....	<u>159,285</u>
Total – Division of Libraries .....	159,285
<b>(50-11-000) DIVISION OF CONSUMER AFFAIRS</b>	
Salaries of Board Members (3) .....	3,500
Salary of Director .....	15,000
Salaries and Wages of Employees (2) .....	13,566
Travel .....	2,000
Contractual Services .....	2,000
Supplies and Materials .....	1,000
Capital Outlay .....	<u>1,000</u>
Total – Division of Consumer Affairs .....	38,066
<b>TOTAL – DEPARTMENT OF COMMUNITY AF- FAIRS AND ECONOMIC DEVELOPMENT .....</b>	<b>1,039,091</b>
<b>(55-00-000) DEPARTMENT OF HIGHWAYS AND TRANSPORTATION</b>	
<b>(55-01-000) OFFICE OF THE SECRETARY</b>	
Salary of Secretary .....	31,000
(5.25) Salaries and Wages of Employees (5.75) ....	64,300

Travel .....	3,700
Contractual Services .....	9,650
Supplies and Materials .....	7,700

Total – Office of the Secretary ..... 116,350

(55-02-000) OFFICE OF ADMINISTRATION

Salary of Chief .....	20,475
Salaries – Overtime .....	1,500
(27.75) Salaries and Wages of Employees (33.25)..	232,410
Personal Services .....	3,500
Travel .....	1,500
Contractual Services .....	65,450
Supplies and Materials .....	5,000
Social Security Contribution .....	469,825

Total – Office of Administration ..... 799,660

(55-05-000) DIVISION OF HIGHWAYS

Salary of Director .....	28,000
Salaries – Overtime .....	104,000
(547) Salaries & Wages of Employees (866) .....	5,281,124
Personal Services .....	5,000
Travel .....	6,500
Contractual Services .....	154,850
Supplies and Materials .....	432,350
Capital Outlay .....	100,000
Operations .....	1,169,140
Roadside Grass and Growth Control .....	100,000
Lines – Center & Edge of Highways .....	105,000
Contingency Fund: Overtime, Contractual Snow Removal and Ice Control .....	300,000
Highway Lighting .....	15,000
Highway Signing .....	25,000

Total – Division of Highways ..... 7,825,964

(55-06-000) DIVISION OF TRANSPORTATION

Salary of Director .....	20,000
Salaries & Wages of Employees (2) .....	17,952

Personal Services –	
Planning – Public Transportation .....	25,000
Other Personal Services .....	10,000
Travel .....	1,000
Contractual Services .....	8,000
Supplies and Materials .....	1,000
	<hr/>
Total – Division of Transportation .....	82,952
<b>TOTAL – DEPARTMENT OF HIGHWAYS AND TRANSPORTATION .....</b>	<b>8,824,926</b>

**(60-00-000) DEPARTMENT OF LABOR****(60-01-000) OFFICE OF THE SECRETARY**

Salary of Secretary (State Funds \$8,750; All Other Funds, \$16,250) .....	8,750
Salaries and Wages of Employees (1) .....	6,504
Travel .....	2,150
Contractual Services .....	2,500
Supplies and Materials .....	1,300
Capital Outlay .....	500
	<hr/>
Total – Office of the Secretary .....	21,704

**(60-04-000) GOVERNOR'S COMMITTEE ON EMPLOYMENT FOR  
THE HANDICAPPED**

Personal Services .....	150
Travel .....	200
Contractual Services .....	400
Supplies and Materials .....	100
	<hr/>
Total – Governor's Committee on Employment for the Handicapped .....	850

**(60-05-000) DIVISION OF EMPLOYMENT SERVICES**

Summer Youth Program .....	400,000
Contingency – Operations .....	5,000
	<hr/>
Total – Division of Employment Services .....	405,000

**(60-07-000) DIVISION OF INDUSTRIAL AFFAIRS****(60-07-002) Labor and Industrial Relations**

Salary of Director .....	18,500
Salaries and Wages of Employees (15) .....	112,356
Travel .....	3,000
Contractual Services .....	16,900
Supplies and Materials .....	2,900
Capital Outlay .....	500

Total – Labor and Industrial Relations ..... 154,156

**(60-07-003) APPRENTICESHIP AND TRAINING**

Salary of Director .....	7,600
Salaries and Wages of Employees (1) .....	5,220
Travel .....	400
Contractual Services .....	300
Supplies and Materials .....	200
Capital Outlay .....	100

Total – Apprenticeship and Training ..... 13,820

**(60-07-004) INDUSTRIAL ACCIDENT BOARD**

Salaries of Board Members (3) .....	15,000
Salaries and Wages of Employees (4) .....	24,190
Personal Services – Court Reporters .....	12,000
Travel .....	2,500
Contractual Services .....	9,165
Supplies and Materials .....	2,200
Capital Outlay .....	300

Total – Industrial Accident Board ..... 65,355

Total – Division of Industrial Affairs ..... 234,831

**(60-08-000) DIVISION OF VOCATIONAL REHABILITATION**

(68) Salaries and Wages of Employees .....	0
Personal Services .....	87,000
Travel .....	7,000

Contractual Services .....	397,000
Supplies and Materials .....	25,000
	<hr/>
Total – Division of Vocational Rehabilitation .....	516,000
<b>TOTAL – DEPARTMENT OF LABOR .....</b>	<b>1,176,885</b>

**(65-00-000) DEPARTMENT OF AGRICULTURE****(65-01-000) OFFICE OF THE SECRETARY**

Salary of Secretary .....	25,000
Salaries and Wages of Employees (3) .....	23,604
Travel .....	500
Contractual Services .....	2,000
Supplies and Materials .....	1,000
Capital Outlay .....	800
	<hr/>
Total – Office of the Secretary .....	52,904

**(65-03-000) DIVISION OF STANDARDS AND INSPECTION****(65-03-001) Office of the Director**

Salary of Director .....	17,000
Salaries – Part-time .....	1,500
Salaries and Wages of Employees (1) .....	6,504
Travel .....	500
Contractual Services .....	500
Supplies and Materials .....	500
Capital Outlay .....	2,000
	<hr/>
Total – Office of the Director .....	28,504

**(65-03-002) WEIGHTS AND MEASURES**

Salaries and Wages of Employees (7) .....	52,000
Travel .....	500
Contractual Services .....	1,700
Supplies and Materials .....	2,000
Capital Outlay .....	3,300
	<hr/>
Total – Office of Weights and Measures .....	59,500

## (65-03-003) MEAT INSPECTION

*Salaries – Overtime .....	2,400
*Salaries and Wages of Employees (14) .....	112,404
*Travel .....	3,150
*Contractual Services .....	1,950
*Supplies and Materials .....	2,050
*50% Reimbursed by Federal Government	
Capital Outlay .....	2,200
	<hr/>
Total – Meat Inspection .....	124,154

## (65-03-004) POULTRY AND ANIMAL HEALTH

Salaries and Wages of Employees (10) .....	83,895
Personal Services – Veterinary Fees .....	17,000
Travel .....	200
Contractual Services .....	2,000
Supplies and Materials .....	4,000
Contingency – Hog Cholera Indemnities .....	7,000
	<hr/>
Total – Poultry and Animal Health .....	114,095

## (65-03-005) STATE LABORATORY

Salaries and Wages of Employees (5) .....	46,032
Travel .....	100
Contractual Services .....	2,000
Supplies and Materials .....	2,000
	<hr/>
Total – State Laboratory .....	50,132

## (65-03-006) SEED LABORATORY

Salaries and Wages of Employees (3) .....	24,950
Travel .....	100
Contractual Services .....	1,000
Supplies and Materials .....	1,000
	<hr/>
Total – Seed Laboratory .....	27,050

## (65-03-007) PLANT PATHOLOGY

Salaries and Wages of Employees (2.5) .....	21,630
Travel .....	100
Contractual Services .....	6,000
Supplies and Materials .....	4,000
	<hr/>
Total — Plant Pathology .....	31,730
	<hr/>
Total — Division of Standards and Inspection .....	435,165

## (65-04-000) DIVISION OF PRODUCTION AND PROMOTION

## (65-04-001) Office of the Director

Salary of Director .....	14,000
Salaries — Part-time .....	2,000
Salaries and Wages of Employees (4) .....	35,928
Travel .....	800
Contractual Services .....	2,500
Supplies and Materials .....	2,500
Capital Outlay .....	1,000
Peninsula Horticultural Society .....	900
Crop Improvement Association .....	800
	<hr/>
Total — Office of the Director .....	60,428

## (65-04-004) COMMODITY INSPECTION

Salaries and Wages of Employees (1) .....	6,840
Travel .....	100
Contractual Services .....	6,500
	<hr/>
Total — Commodity Inspection .....	13,440

## (65-04-005) FORESTRY

Salaries and Wages of Employees .....	24,528
(5—State Funds — \$24,528; 4—All Other Funds — \$17,556)	
Travel .....	200
Contractual Services .....	1,500
Supplies and Materials .....	1,300

Capital Outlay .....	500
Total – Forestry .....	<u>28,028</u>
Total – Division of Production and Promotion .....	<u>101,896</u>
<b>TOTAL – DEPARTMENT OF AGRICULTURE .....</b>	<b>589,965</b>

**(70-00-000) DEPARTMENT OF ELECTIONS****(70-01-000) ELECTION COMMISSIONER**

Salary of Election Commissioner .....	12,000
Salaries and Wages of Employees (4) .....	25,176
Travel .....	300
Contractual Services .....	8,950
Supplies and Materials .....	2,000
Contingency – Reapportionment .....	4,000
Total – Election Commissioner .....	<u>52,426</u>

**(70-02-000) NEW CASTLE COUNTY DEPARTMENT OF ELECTIONS**

Salaries of Board Members (10) .....	10,500
Salary of Administrative Director .....	12,600
Salary of Deputy Administrative Director .....	9,900
Salary of Extra Help .....	6,300
Salaries – Overtime .....	3,000
Salaries and Wages of Employees (12) .....	66,100
Personal Services	
Registration and Election Officers .....	73,850
Other Personal Services .....	1,670
Travel .....	800
Contractual Services	
Moving Voting Machines .....	20,000
Registration and Polling Place Rental .....	11,200
Other Contractual Services .....	41,250
Supplies and Materials .....	3,000
Contingency – Reapportionment .....	45,000
Total – New Castle County Department of Elections	<u>305,170</u>

## (70-03-000) KENT COUNTY DEPARTMENT OF ELECTIONS

Salaries of Board Members (6) .....	6,500
Salary of Administrative Director .....	10,500
Salary of Deputy Administrative Director .....	8,950
Salary of Extra Help .....	4,500
Salaries – Overtime .....	2,500
Salaries and Wages of Employees (2) .....	12,150
Personal Services	
Registration and Election Officers .....	14,200
Other Personal Services .....	700
Travel .....	300
Contractual Services	
Moving Voting Machines .....	4,200
Registration and Polling Place Rental .....	3,500
Other Contractual Services .....	12,700
Supplies and Materials .....	1,000
Capital Outlay .....	3,000
Contingency – Reapportionment .....	7,300
<b>Total – Kent County Department of Elections .....</b>	<b>92,000</b>

## (70-04-000) SUSSEX COUNTY DEPARTMENT OF ELECTIONS

Salaries of Board Members (6) .....	6,500
Salary of Administrative Director .....	10,500
Salary of Deputy Administrative Director .....	8,950
Salaries – Part-time .....	2,500
Salaries – Overtime .....	500
Salaries and Wages of Employees (2) .....	12,340
Personal Services	
Registration and Election Officers .....	17,600
Travel .....	1,000
Contractual Services	
Moving Voting Machines .....	1,000
Registration and Polling Place Rental .....	1,520
Other Contractual Services .....	8,180
Supplies and Materials .....	1,500
Capital Outlay .....	600
Contingency – Reapportionment .....	13,000
<b>Total – Sussex County Department of Elections .....</b>	<b>85,690</b>

**TOTAL – DEPARTMENT OF ELECTIONS .....** 535,286

**(75-00-000) FIRE PREVENTION COMMISSION****(75-01-000) STATE FIRE MARSHAL'S OFFICE**

Salary of Fire Marshal .....	13,000
Salaries and Wages of Employees (10) .....	75,749
Travel .....	1,800
Contractual Services .....	7,525
Supplies and Materials .....	7,475
Capital Outlay .....	8,000
Fire Prevention Conferences .....	800

**Total – State Fire Marshal's Office .....** 114,348

**(75-02-000) STATE FIRE SCHOOL**

Salary of Director .....	13,000
Salaries and Wages of Employees (4) .....	29,200
Travel .....	8,000
Contractual Services	
Instructional Services .....	25,500
Other Contractual Services .....	5,240
Supplies and Materials .....	7,250
Capital Outlay .....	10,000

**Total – State Fire School .....** 98,190

**TOTAL – FIRE PREVENTION COMMISSION .....** 212,538

**(76-00-000) DELAWARE NATIONAL GUARD**

Salary of Adjutant General .....	20,000
(15) Salaries and Wages of Employees (19) .....	142,989
Travel .....	6,500
Contractual Services .....	157,300
Supplies and Materials	
Uniform Allowance – Officers .....	20,000
Other Supplies and Materials .....	23,400
Capital Outlay .....	4,494
Unit Fund Allowance .....	15,000
Minor Capital Improvements .....	36,050

**TOTAL – DELAWARE NATIONAL GUARD .....** 425,733

## (90-00-000) HIGHER EDUCATION

## (90-01-000) UNIVERSITY OF DELAWARE

Operations .....	13,604,000
New Programs	
Marine Studies .....	185,000
Education	
Vocational Education .....	31,500
Del Mod Program .....	50,500
Diagnostic Poultry Service .....	10,000
General Scholarships .....	273,000
Aid to Needy Students (5520-24, Title 14, Delaware Code) .....	57,000
Teaching Scholarships (5502, Title 14, Delaware Code) .....	50,000
Scholarship Fund (5501, Title 14, Delaware Code)	100,000
Employer's Share, Social Security (Administered by State Treasurer) .....	730,000
State Employees Pension Fund (Administered by State Treasurer) .....	370,000

TOTAL – University of Delaware .....15,461,000

## (90-01-002) STATE GEOLOGIST

Salaries – Casual and Seasonal .....	1,200
Salaries and Wages of Employees (7) .....	70,350
Travel .....	750
Contractual Services .....	4,800
Capital Outlay .....	1,500
River Master Program .....	18,200
Federal Co-op Program .....	35,000

TOTAL – State Geologist ..... 131,800

(90-02-000) DELAWARE INSTITUTE OF MEDICAL EDUCATION  
AND RESEARCH

Operations .....	1,500,000
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TOTAL – Delaware Institute of Medical Education  
and Research ..... 1,500,000

## (90-03-000) DELAWARE STATE COLLEGE

Salary of Security Guards (12) .....	67,309
(90.5) Salaries and Wages of Employees (227) .....	1,748,203
Personal Services	
Work Study Program .....	25,000
Other Personal Services .....	13,000
Travel .....	4,600
Contractual Services .....	236,888
Supplies and Materials .....	135,000
Capital Outlay .....	45,000
Scholarships .....	50,000
State Matching Grants-in-Aid .....	50,000

TOTAL – Delaware State College ..... 2,375,000

## (90-04-000) DELAWARE TECHNICAL &amp; COMMUNITY COLLEGE

Salaries and Wages of Employees (237) .....	2,426,565
Salaries – Overtime .....	1,000
Personal Services .....	13,250
Travel .....	21,800
Contractual Services	
University of Delaware .....	317,000
Rental of Buildings .....	275,900
Other Contractual Services .....	472,650
Supplies and Materials .....	123,050
Capital Outlay .....	288,035

TOTAL – Delaware Technical & Community College 3,939,250

## (90-05-000) HIGHER EDUCATIONAL AID ADVISORY COMMISSION

(2) Salaries and Wages of Employees (.66) .....	4,500
Travel .....	300
Contractual Services .....	700
Supplies and Materials .....	200
Guaranteed Loan Reserves .....	50,000

TOTAL – Higher Educational Aid Advisory Commission ..... 55,700

TOTAL – HIGHER EDUCATION ..... 23,462,750

(95-00-000) PUBLIC EDUCATION

(95-01-000) STATE BOARD OF EDUCATION AND STATE BOARD FOR VOCATIONAL EDUCATION

(95-01-001) Administration

DIVISION I – SALARIES

Board Members (6) .....	2,700
Superintendent .....	34,000
Assistant Superintendents (3) .....	70,600
Directors (8)	
State Funds (6) .....	130,900
State and Other (2) .....	21,900
(1) Administrative Assistant (All Other Funds, Director Level) .....	---
Supervisors (55)	
State Funds (23) .....	407,000
State and Other (8) .....	68,000
All Other Funds (24) .....	---
Specialists (5)	
State Funds (2) .....	28,000
All Other Funds (3) .....	---
(17) Clerical (44) .....	320,000
<b>Total Division I .....</b>	<b>1,083,100</b>

DIVISION II – OTHER COSTS

Personal Services .....	6,000
Travel	
State Board .....	2,700
Staff .....	15,000
Contractual Services .....	73,800
Supplies and Materials .....	29,100
Capital Outlay	
Vehicles Other Than Buses .....	4,400
Other Capital Outlay .....	12,700
<b>TOTAL DIVISION II .....</b>	<b>143,700</b>

**TOTAL – ADMINISTRATION .....** 1,226,800

(95-01-002) SERVICES TO SCHOOL DISTRICTS  
AND OTHERS

## DIVISION I – SALARIES

Teachers	
Homebound .....	128,000
Substitutes in Districts .....	790,000
Vocational Programs .....	133,000
Apprentice Programs .....	101,000
Other	
Student Work-Study Program .....	15,000
Nonpublic and Summer Driver Education .....	95,000
Immigration Services .....	9,870
TOTAL DIVISION I .....	<u>1,271,870</u>

## DIVISION II – OTHER COSTS

Travel	
Homebound .....	8,900
Contractual Services	
Tuition and Initiation of Deaf Program .....	54,100
Public School Transportation .....	5,310,000
Nonpublic School Transportation .....	650,000
James H. Groves High School .....	183,000
Pregnant Students .....	14,000
Adult Basic Education .....	50,000
Supplies and Materials	
Adult Trade Extension .....	53,000
Apprentice Programs .....	76,000
Capital Outlay	
Films .....	15,000
Tuition – War Orphans .....	15,000
Scholarship Fund .....	150,000
Vocational Youth Organization .....	5,000
Delaware Educational Council Compact .....	9,000
TOTAL DIVISION II .....	<u>6,593,000</u>
DIVISION III – Educational Advancement .....	<u>2,799,000</u>

TOTAL – Services to School Districts and Others .....10,663,870

TOTAL – STATE BOARD OF EDUCATION AND  
STATE BOARD FOR VOCATIONAL EDUCATION .....11,890,670

(95-01-003) EDUCATIONAL CONTINGENCY

Growth and Upgrading .....	1,551,293
Occupational-Vocational (HB 509) .....	1,300,000
Summer Driver Education Program .....	89,400
Operation and Maintenance	
Driver Education Cars .....	28,880
Delmar Tuition .....	<u>105,000</u>

Total – Educational Contingency ..... 3,074,573

(95-10-000) CAESAR RODNEY

Division I – Salaries

Chief School Officer .....		20,047
Assistant Superintendent .....	1 .....	17,248
Directors .....	2 1/3 .....	42,985
Supervisors .....	2 4/5 .....	29,412
Principals .....	7 .....	93,593
Assistant Principals .....	4 .....	40,765
Administrative Assistants .....	1 .....	14,427
Teachers .....	265 .....	<u>2,138,912</u>
Teachers – Psychologists .....	1 .....	13,545
Teachers – Speech and Hearing .....	1 .....	12,553
Teachers – Visiting .....	1 .....	7,378
Teachers – Driver Education .....	2 2/5 .....	31,290
Clerical .....	23 .....	135,660
Custodial .....	44 .....	253,939
Nurses .....	6 .....	42,358
Cafeteria .....	8 .....	<u>49,222</u>

Total – Salaries ..... 2,943,334

Division II – Other Costs ..... 296,800

TOTAL – Caesar Rodney ..... 3,240,134

## (95-11-000) CAESAR RODNEY TRAINABLE (ADMINISTERED BY CAESAR RODNEY)

## Division I – Salaries

Principals .....	1 .....	11,071
Teachers .....	7 .....	49,814
Clerical .....	1 .....	5,702
Custodial .....	1 .....	6,379
Nurses .....	1 .....	5,811
Cafeteria .....	1/2 .....	3,306
Attendants and Aides .....	7 .....	<u>23,249</u>
Total – Salaries .....		105,332
Division II – Other Costs .....		<u>16,800</u>
Total – Caesar Rodney Trainable .....		122,132

## (95-12-000) CLAYMONT

## Division I – Salaries

Chief School Officer .....		18,918
Directors .....	1 .....	14,142
Supervisors .....	2 .....	16,977
Principals .....	5 .....	70,954
Assistant Principals .....	2 .....	24,720
Administrative Assistants .....	1 .....	12,368
Teachers .....	168 .....	1,402,237
Teachers – Psychologists .....	1 .....	10,487
Teachers – Speech and Hearing .....	1 .....	10,611
Teachers – Visiting .....	2/3 .....	3,072
Teachers – Driver Education .....	2 .....	15,290
Clerical .....	15 .....	91,574
Custodial .....	30 .....	175,754
Nurses .....	4 .....	28,511
Cafeteria .....	5 .....	<u>26,968</u>
Total – Salaries .....		1,922,583
Division II – Other Costs .....		<u>188,160</u>
Total – Claymont .....		2,110,743

## (95-13-000) CAPITAL

## Division I -- Salaries

Chief School Officer .....		20,047
Assistant Superintendent .....	1 .....	17,247
Directors .....	2 .....	32,237
Supervisors .....	3 .....	31,831
Principals .....	9 .....	118,291
Assistant Principals .....	8 .....	97,919
Administrative Assistants .....	1 .....	14,652
Teachers .....	314 .....	2,550,002
Teachers -- Psychologists .....	2 .....	19,154
Teachers -- Speech and Hearing .....	2 .....	15,291
Teachers -- Visiting .....	1 .....	7,998
Teachers -- Driver Education .....	3 1/5 .....	31,767
Transportation Supervisor .....	1 .....	13,049
Clerical .....	27 .....	157,611
Custodial .....	59 .....	353,036
Nurses .....	7 1/2 .....	53,332
Cafeteria .....	10 .....	59,618
Attendants and Aides .....	3 .....	9,537
<b>Total -- Salaries .....</b>		<b>3,602,619</b>
<b>Division II -- Other Costs .....</b>		<b>351,680</b>
<b>Total -- Capital .....</b>		<b>3,954,299</b>

## (95-14-000) ALEXIS I. DUPONT

## Division I -- Salaries

Chief School Officer .....		17,789
Supervisors .....	1 .....	12,268
Principals .....	4 .....	53,502
Assistant Principals .....	2 .....	25,106
Administrative Assistants .....	1 .....	15,194
Teachers .....	131 .....	1,175,992
Teachers -- Psychologists .....	7/8 .....	9,931
Teachers -- Speech and Hearing .....	7/8 .....	8,978
Teachers -- Driver Education .....	1 2/5 .....	13,666
Transportation Supervisor .....	1/4 .....	3,814

Clerical .....	12 .....	70,874
Custodial .....	34 .....	212,212
Nurses .....	3 .....	25,092
Cafeteria .....	7 .....	<u>41,596</u>
Total – Salaries .....		1,686,014
Division II – Other Costs .....		<u>146,720</u>
Total – Alexis I. duPont .....		1,832,734

## (95-15-000) LAKE FOREST

## Division I – Salaries

Chief School Officer .....		16,435
Supervisors .....	1 .....	12,191
Principals .....	5 .....	69,238
Assistant Principals .....	1 .....	13,003
Administrative Assistants .....	1 .....	15,899
Teachers .....	142 .....	1,191,832
Teachers – Psychologists .....	1 .....	9,781
Teachers – Speech and Hearing .....	1 .....	8,925
Teachers – Driver Education .....	1 1/5 .....	10,275
Clerical .....	13 .....	75,398
Custodial .....	27 .....	157,891
Nurses .....	4 .....	21,082
Cafeteria .....	5 .....	<u>24,724</u>
Total – Salaries .....		1,626,674
Division II – Other Costs .....		<u>159,040</u>
Total – Lake Forest .....		1,785,714

## (95-16-000) LAUREL

## Division I – Salaries

Chief School Officer .....		17,247
Principals .....	3 .....	41,200
Assistant Principals .....	1 .....	12,146
Administrative Assistants .....	1 .....	12,024

Teachers .....	96 .....	831,653
Teachers – Psychologists .....	3/5 .....	8,843
Teachers – Speech and Hearing .....	3/5 .....	6,963
Teachers – Driver Education .....	1 .....	11,079
Clerical .....	9 .....	55,582
Custodial .....	17 .....	109,090
Nurses .....	2 1/2 .....	18,893
Cafeteria .....	3 .....	16,484
Total – Salaries .....		1,141,204
Division II – Other Costs .....		107,520
Total – Laurel .....		1,248,724

## (95-17-000) CAPE HENLOPEN

## Division I – Salaries

Chief School Officer .....		18,377
Directors .....	1 .....	16,120
Supervisors .....	1 .....	11,261
Principals .....	7 .....	99,422
Assistant Principals .....	1 .....	10,949
Administrative Assistants .....	1 .....	14,653
Teachers .....	169 .....	1,428,843
Teachers – Psychologists .....	1 .....	8,127
Teachers – Speech and Hearing .....	1 .....	7,902
Teachers – Visiting .....	1 .....	5,469
Teachers – Driver Education .....	2 .....	17,532
Clerical .....	15 .....	91,216
Custodial .....	31 .....	189,072
Nurses .....	4 1/2 .....	34,287
Cafeteria .....	8 .....	45,057
Total – Salaries .....		1,998,287
Division II – Other Costs .....		189,280
Total – Cape Henlopen .....		2,187,567

## (95-18-000) MILFORD

## Division I – Salaries

Chief School Officer .....		18,917
Directors .....	1 .....	16,119
Supervisors .....	1 .....	12,191
Principals .....	6 .....	82,580
Assistant Principals .....	2 .....	23,321
Administrative Assistants .....	1 .....	13,839
Teachers .....	185 .....	1,525,152
Teachers – Psychologists .....	1 .....	10,185
Teachers – Speech and Hearing .....	1 .....	6,773
Teachers – Visiting .....	1 .....	9,030
Teachers – Driver Education .....	2 1/5 .....	20,152
Transportation Supervisor .....	1 .....	9,828
Clerical .....	17 .....	104,069
Custodial .....	31 .....	190,433
Nurses .....	4 .....	28,788
Cafeteria .....	8 .....	45,816

Total – Salaries ..... 2,117,193

Division II – Other Costs ..... 207,200

Total – Milford ..... 2,324,393

## (95-19-000) MOUNT PLEASANT

## Division I – Salaries

Chief School Officer .....		20,048
Assistant Superintendent .....	1 .....	17,248
Directors .....	2 .....	30,345
Supervisors .....	2 .....	19,681
Principals .....	7 .....	91,702
Assistant Principals .....	6 .....	61,965
Administrative Assistants .....	1 .....	11,647
Teachers .....	271 .....	2,450,967
Teachers – Psychologists .....	1 .....	12,330
Teachers – Speech and Hearing .....	1 .....	8,586
Teachers – Visiting .....	1 .....	7,245
Teachers – Driver Education .....	3 1/5 .....	27,528

Clerical .....	24 .....	143,202
Custodial .....	42 .....	257,169
Nurses .....	6 .....	48,949
Cafeteria .....	8 .....	<u>51,573</u>
Total – Salaries .....		3,260,185
Division II – Other Costs .....		<u>303,520</u>
Total – Mount Pleasant .....		3,563,705

## (95-20-000) NEW CASTLE – GUNNING BEDFORD

## Division I – Salaries

Chief School Officer .....		18,692
Assistant Superintendent .....	1 .....	17,247
Directors .....	3 .....	48,356
Supervisors .....	3 .....	45,656
Principals .....	10 .....	139,988
Assistant Principals .....	6 .....	76,627
Administrative Assistants .....	1 .....	14,652
Teachers .....	380 .....	<u>3,122,343</u>
Teachers – Psychologists .....	2 .....	21,351
Teachers – Speech and Hearing .....	2 .....	17,039
Teachers – Visiting .....	1 .....	8,804
Teachers – Driver Education .....	4 2/5 .....	39,585
Transportation Supervisor .....	1 .....	11,738
Clerical .....	33 .....	194,948
Custodial .....	56 .....	331,903
Nurses .....	9 .....	68,855
Cafeteria .....	12 .....	<u>63,992</u>
Total – Salaries .....		4,241,776
Division II – Other Costs .....		<u>425,600</u>
Total – New Castle – Gunning Bedford .....		4,667,376

## (95-21-000) NEWARK

## Division I – Salaries

Chief School Officer .....		20,047
Assistant Superintendent .....	2 .....	34,755
Directors .....	6 .....	98,801
Supervisors .....	6 .....	96,676
Principals .....	19 .....	267,297
Assistant Principals .....	8 .....	103,074
Administrative Assistants .....	1 .....	14,704
Teachers .....	675 .....	5,703,079
Teachers – Psychologists .....	4 .....	37,634
Teachers – Speech and Hearing .....	4 .....	33,965
Teachers – Visiting .....	2 .....	18,881
Teachers – Driver Education .....	7 .....	69,722
Transportation Supervisor .....	1 .....	13,552
Clerical .....	57 .....	331,490
Custodial .....	99 .....	581,975
Nurses .....	16 .....	114,609
Cafeteria .....	18 .....	106,903

Total – Salaries ..... 7,647,164

Division II – Other Costs ..... 756,000

Total – Newark ..... 8,403,164

## (95-22-000) MARGARET S. STERCK

## Division I – Salaries

Principals .....	1 .....	13,132
Teachers .....	15 .....	128,022
Teachers – Media Specialist .....	1 .....	8,820
Clerical .....	1 .....	6,104
Custodial .....	3 .....	15,108
Nurses .....	1 .....	6,098
Cafeteria .....	1 .....	3,339
Attendants and Aides .....	12 .....	38,404
Residence – Salaries .....		44,160

Total – Salaries ..... 263,187

Division II – Other Costs .....	16,800
Consultant Costs .....	7,500
Residence – Other Costs .....	52,883
<b>Total – Margaret S. Sterck .....</b>	<b>340,370</b>

## (95-23-000) SEAFORD

## Division I – Salaries

Chief School Officer .....	18,376
Directors ..... 1 .....	16,119
Supervisors ..... 1 .....	10,815
Principals ..... 6 .....	81,749
Assistant Principals ..... 2 .....	23,484
Administrative Assistants ..... 1 .....	14,652
Teachers ..... 184 .....	1,478,815
Teachers – Psychologists ..... 1 .....	11,062
Teachers – Speech and Hearing ..... 1 .....	4,403
Teachers – Visiting ..... 1 .....	8,579
Teachers – Driver Education ..... 1 3/5 .....	10,836
Transportation Supervisor ..... 1 .....	13,048
Clerical ..... 16 .....	96,624
Custodial ..... 31 .....	194,377
Nurses ..... 5 .....	37,826
Cafeteria ..... 6 .....	39,660
Attendants and Aides ..... 7 .....	29,797
<b>Total – Salaries .....</b>	<b>2,090,222</b>
<b>Division II – Other Costs .....</b>	<b>206,080</b>
<b>Total – Seaford .....</b>	<b>2,296,302</b>

## (95-24-000) SMYRNA

## Division I – Salaries

Chief School Officer .....	17,248
Supervisors ..... 1 .....	11,251
Principals ..... 5 .....	66,969

Assistant Principals .....	1 .....	10,811
Administrative Assistants .....	1 .....	14,653
Teachers .....	125 .....	1,030,297
Teachers – Psychologists .....	1 .....	6,999
Teachers – Speech and Hearing .....	1 .....	5,448
Teachers – Visiting .....	1 .....	8,104
Teachers – Driver Education .....	1 2/5 .....	7,723
Clerical .....	12 .....	68,094
Custodial .....	33 .....	156,821
Nurses .....	3 1/2 .....	25,377
Cafeteria .....	7 .....	44,012
<b>Total – Salaries .....</b>		<b>1,473,807</b>
<b>Division II – Other Costs .....</b>		<b>140,000</b>
<b>Total – Smyrna .....</b>		<b>1,613,807</b>

## (95-25-000) WILMINGTON BOARD OF EDUCATION

## Division I – Salaries

Chief School Officer .....		20,047
Assistant Superintendent .....	2 .....	35,037
Directors .....	6 .....	97,389
Supervisors .....	6 .....	163,539
Principals .....	20 .....	280,833
Assistant Principals .....	9 .....	103,104
Administrative Assistants .....	1 .....	13,840
Teachers .....	703 .....	6,229,226
Teachers – Psychologists .....	5 .....	51,304
Teachers – Speech and Hearing .....	5 .....	49,530
Teachers – Visiting .....	2 .....	21,414
Teachers – Driver Education .....	6 4/5 .....	63,074
Teachers – Homebound Instruction .....		10,500
Clerical .....	60 .....	401,052
Custodial .....	111 .....	684,285
Nurses .....	19 .....	150,350
Cafeteria .....	20 .....	116,141
Attendants – Trainable .....	8 .....	30,345
<b>Total – Salaries .....</b>		<b>8,521,010</b>

Division II – Other Costs .....	787,360
<b>Total – Wilmington Board of Education .....</b>	<b>9,308,370</b>

## (95-26-000) ALFRED I. DUPONT

## Division I – Salaries

Chief School Officer .....	20,047	
Assistant Superintendent .....	2 .....	35,578
Directors .....	4 .....	66,125
Supervisors .....	5 .....	62,723
Principals .....	13 .....	185,934
Assistant Principals .....	8 .....	101,971
Administrative Assistants .....	1 .....	12,575
Teachers .....	483 .....	4,257,747
Teachers – Psychologists .....	3 .....	31,832
Teachers – Speech and Hearing .....	3 .....	28,203
Teachers – Visiting .....	2 .....	19,749
Teachers – Alfred I. duPont Institute .....	2 .....	18,060
Teachers – Driver Education .....	6 1/5 .....	57,406
Transportation Supervisor .....	1 .....	8,544
Clerical .....	41 .....	247,087
Custodial .....	97 .....	583,522
Nurses .....	12 .....	89,662
Cafeteria .....	13 .....	81,397
<b>Total – Salaries .....</b>	<b>5,908,162</b>	
<b>Division II – Other Costs .....</b>	<b>540,960</b>	
<b>Total – Alfred I. duPont .....</b>	<b>6,449,122</b>	

## (95-27-000) C. W. BUSH TRAINABLE (ADMINISTERED BY ALFRED I. DUPONT)

## Division I – Salaries

Principals .....	1 .....	13,862
Teachers .....	8 .....	63,101
Clerical .....	1 .....	6,153
Custodial .....	1 .....	6,379
Nurses .....	1 .....	6,851

Cafeteria .....	1 .....	3,165
Attendants and Aides .....	11 .....	39,399
		<hr/>
Total – Salaries .....		138,910
Division II – Other Costs .....		21,280
		<hr/>
Total – C. W. Bush Trainable .....		160,190

## (95-28-000) MARSHALLTON – MCKEAN

## Division I – Salaries

Chief School Officer .....		18,376
Directors .....	1 .....	16,120
Supervisors .....	2 .....	26,922
Principals .....	6 .....	84,728
Assistant Principals .....	2 .....	26,813
Administrative Assistants .....	1 .....	14,653
Teachers .....	208 .....	1,803,134
Teachers – Psychologists .....	1 .....	9,933
Teachers – Speech and Hearing .....	1 .....	8,084
Teachers – Visiting .....	4/5 .....	8,467
Teachers – Driver Education .....	2 3/5 .....	19,201
Clerical .....	19 .....	114,192
Custodial .....	35 .....	229,485
Nurses .....	5 .....	37,927
Cafeteria .....	7 .....	34,122
		<hr/>
Total – Salaries .....		2,452,157
Division II – Other Costs .....		232,960
		<hr/>
Total – Marshallton – McKean .....		2,685,117

## (95-29-000) APPOQUINIMINK

## Division I – Salaries

Chief School Officer .....		17,248
Supervisors .....	1 .....	11,514
Principals .....	4 .....	55,083
Assistant Principals .....	1 .....	24,184

Administrative Assistants .....	1 .....	15,195
Teachers .....	118 .....	977,130
Teachers – Psychologists .....	1 .....	8,146
Teachers – Driver Education .....	1 .....	7,225
Clerical .....	11 .....	66,281
Custodial .....	18 .....	110,938
Nurses .....	3 .....	25,227
Cafeteria .....	5 .....	24,623
Total – Salaries .....		1,342,794
Division II – Other Costs .....		132,160
Total – Appoquinimink .....		1,474,954

## (95-30-000) CONRAD AREA

## Division I – Salaries

Chief School Officer .....		19,505
Assistant Superintendent .....	1 .....	17,247
Directors .....	2 .....	32,236
Supervisors .....	4 .....	33,282
Principals .....	9 .....	121,567
Assistant Principals .....	6 .....	71,417
Administrative Assistants .....	1 .....	13,840
Teachers .....	303 .....	2,577,370
Teachers – Psychologists .....	2 .....	18,766
Teachers – Speech and Hearing .....	2 .....	13,998
Teachers – Visiting .....	1 .....	6,962
Teachers – Driver Education .....	3 3/5 .....	28,871
Clerical .....	26 .....	145,043
Custodial .....	38 .....	235,055
Nurses .....	8 .....	48,274
Cafeteria .....	6 .....	42,576
Total – Salaries .....		3,426,009
Division II – Other Costs .....		339,360
Total – Conrad Area .....		3,765,369

## (95-31-000) DE LA WARR

## Division I – Salaries

Chief School Officer .....		18,918
Directors .....	1 .....	14,614
Supervisors .....	2 .....	19,602
Principals .....	6 .....	80,826
Assistant Principals .....	3 .....	34,480
Administrative Assistants .....	1 .....	14,274
Teachers .....	191 .....	1,598,738
Teachers – Psychologists .....	1 .....	8,400
Teachers – Speech and Hearing .....	1 .....	10,610
Teachers – Visiting .....	4/5 .....	7,910
Teachers – Driver Education .....	1 4/5 .....	15,830
Clerical .....	17 .....	103,763
Custodial .....	32 .....	192,361
Nurses .....	4 .....	33,871
Cafeteria .....	7 .....	44,432
<b>Total – Salaries .....</b>		<b>2,198,629</b>
<b>Division II – Other Costs .....</b>		<b>213,920</b>
<b>Total – De La Warr .....</b>		<b>2,412,549</b>

## (95-32-000) JOHN G. LEACH SCHOOL (ADMINISTERED BY DE LA WARR)

## Division I – Salaries

Principals .....	1 .....	13,953
Teachers .....	10 .....	83,571
Clerical .....	1 .....	6,152
Custodial .....	2 .....	11,369
Nurses .....	1 .....	7,789
Attendants and Aides .....	10 .....	30,462
<b>Total – Salaries .....</b>		<b>153,296</b>
<b>Division II – Other Costs .....</b>		<b>11,200</b>
<b>Total – John G. Leach School .....</b>		<b>164,496</b>

## (95-33-000) STANTON

## Division I – Salaries

Chief School Officer .....		19,505
Assistant Superintendent .....	1 .....	17,247
Directors .....	2 .....	31,063
Supervisors .....	3 .....	24,306
Principals .....	8 .....	112,061
Assistant Principals .....	1 .....	11,115
Administrative Assistants .....	1 .....	14,652
Teachers .....	266 .....	2,268,946
Teachers – Psychologists .....	1 .....	8,773
Teachers – Speech and Hearing .....	2 .....	16,216
Teachers – Visiting .....	1 .....	9,595
Teachers – Driver Education .....	2 4/5 .....	25,305
Transportation Supervisor .....	1 .....	13,906
Clerical .....	23 .....	161,877
Custodial .....	46 .....	270,744
Nurses .....	6 .....	44,082
Cafeteria .....	9 .....	51,351
Attendants and Aides .....	2 .....	7,655
Total – Salaries .....		3,108,399
Division II – Other Costs .....		297,920
Total – Stanton .....		3,406,319

## (95-34-000) MEADOWOOD TRAINABLE (ADMINISTERED BY STANTON)

## Division I – Salaries

Principals .....	1 .....	14,131
Teachers .....	18 .....	148,860
Clerical .....	3 .....	18,456
Custodial .....	3 .....	15,070
Nurses .....	1 .....	7,366
Cafeteria .....	1 .....	4,603
Attendants and Aides .....	11 .....	49,568
Total – Salaries .....		258,054

Division II – Other Costs .....	34,720
Total – Meadowood Trainable .....	292,774

## (95-35-000) WOODBRIDGE

## Division I – Salaries

Chief School Officer .....	17,789
Principals ..... 4 .....	53,682
Administrative Assistants ..... 1 .....	13,839
Teachers ..... 95 .....	768,442
Teachers – Psychologists ..... 1 .....	9,882
Teachers – Speech and Hearing ..... 1 .....	6,397
Teachers – Driver Education ..... 1 .....	8,804
Clerical ..... 9 .....	51,110
Custodial ..... 15 .....	93,793
Nurses ..... 2 1/2 .....	17,115
Cafeteria ..... 3 .....	18,798
Total – Salaries .....	1,059,651
Division II – Other Costs .....	106,400
Total – Woodbridge .....	1,166,051

## (95-36-000) INDIAN RIVER

## Division I – Salaries

Chief School Officer .....	19,505
Assistant Superintendent ..... 1 .....	17,248
Directors ..... 2 .....	32,238
Supervisors ..... 2 .....	23,703
Principals ..... 9 .....	116,330
Assistant Principals ..... 2 .....	23,255
Administrative Assistants ..... 1 .....	14,653
Teachers ..... 277 .....	2,234,615
Teachers – Psychologists ..... 1 .....	10,487
Teachers – Speech and Hearing ..... 1 .....	9,818
Teachers – Visiting ..... 1 .....	7,071
Teachers – Driver Education ..... 3 1/5 .....	27,010
Transportation Supervisor ..... 1 .....	10,134

Clerical .....	24 .....	139,275
Custodial .....	42 .....	259,664
Nurses .....	7 .....	54,075
Cafeteria .....	9 .....	70,643
<b>Total – Salaries .....</b>		<b>3,069,724</b>
<b>Division II – Other Costs .....</b>		<b>310,240</b>
<b>Total – Indian River .....</b>		<b>3,379,964</b>

## (95-37-000) DELMAR

## Division I – Salaries

Chief School Officer .....		16,224
Principals .....	1 .....	10,778
Administrative Assistants .....	1 .....	10,500
Teachers .....	33 .....	282,879
Teachers – Driver Education .....	3/5 .....	7,245
Clerical .....	3 .....	20,713
Custodial .....	7 .....	44,078
Nurses .....	1 .....	6,930
Cafeteria .....	1 .....	5,895
<b>Total – Salaries .....</b>		<b>405,242</b>
<b>Division II – Other Costs .....</b>		<b>36,960</b>
<b>Total – Delmar .....</b>		<b>442,202</b>

## (95-38-000) NEW CASTLE COUNTY VOCATIONAL-TECHNICAL CENTER

## Division I – Salaries

Chief School Officer .....		16,119
Principals .....	1 .....	14,989
Assistant Principals .....	2 .....	22,513
Administrative Assistants .....	1 .....	15,194
Teachers .....	67 .....	581,237
Teachers – Driver Education .....	3 3/5 .....	30,114
Clerical .....	6 .....	33,910

Custodial .....	12 .....	79,246
Nurses .....	1 .....	7,350
Cafeteria .....	1 .....	5,099
Contingency – Summer Program .....		65,000
<b>Total – Salaries .....</b>		<b>870,771</b>
<b>Division II – Other Costs .....</b>		<b>150,080</b>
<b>Total – New Castle County Vocational-Technical Center .....</b>		<b>1,020,851</b>

## (95-39-000) KENT COUNTY VOCATIONAL-TECHNICAL CENTER

## Division I – Salaries

Chief School Officer .....		16,119
Principals .....	1 .....	13,410
Assistant Principals .....	1 .....	9,100
Administrative Assistants .....	1 .....	14,652
Teachers .....	36 .....	286,017
Clerical .....	3 .....	20,650
Custodial .....	7 .....	43,345
Nurses .....	1 .....	5,460
Cafeteria .....	1 .....	5,618
Contingency – Summer Program .....		66,830
<b>Total – Salaries .....</b>		<b>481,201</b>
<b>Division II – Other Costs .....</b>		<b>80,640</b>
<b>Total – Kent County Vocational-Technical Center ..</b>		<b>561,841</b>

## (95-40-000) SUSSEX COUNTY VOCATIONAL-TECHNICAL CENTER

## Division I – Salaries

Chief School Officer .....		14,222
Principals .....	1 .....	11,766
Administrative Assistants .....	1 .....	14,652
Teachers .....	32 .....	268,332
Clerical .....	3 .....	19,496

Custodial .....	5 .....	31,775
Nurses .....	1 .....	5,985
Cafeteria .....	1 .....	5,023
Contingency – Summer Program .....		<u>73,364</u>
Total – Salaries .....		444,615
Division II – Other Costs .....		<u>71,680</u>
Total – Sussex County Vocational-Technical Center		516,295

## (95-41-000) HEALTH AND CORRECTIONAL

## Division I – Salaries

Supervisors .....	3 .....	35,550
Administrative Assistants .....	1 .....	14,723
Teachers .....	42 .....	393,669
Teachers – Kindergarten .....	13 .....	69,960
Clerical .....	4 .....	22,657
Custodial .....	2 .....	<u>8,184</u>
Total – Salaries .....		544,743
Division II – Other Costs .....		<u>51,850</u>
Total – Health and Correctional .....		<u>596,593</u>
TOTAL PUBLIC EDUCATION .....		<u>92,459,464</u>
TOTAL EDUCATION .....		<u>115,922,214</u>
TOTAL AGENCIES, GRANTS-IN-AID, AND CONTINGENCY FUND .....		<u>145,904,640</u>

GRAND TOTAL AGENCIES, EDUCATION,  
GRANTS-IN-AID, AND CONTINGENCY FUND...261,826,854

Section 2. The monies appropriated in Section 1 of this Budget Appropriation Act shall be paid by the Director, Division of Treasury, Department of Finance, from the General Fund.

Section 3. (a) If the estimated revenue of the State proves to be insufficient for the payment of the several appropriations provided for by the General Assembly, resulting in casual deficiencies of revenue for the fiscal year aforesaid, the Governor is authorized to issue revenue anticipation notes or certificates of indebtedness of the State of Delaware to such an amount as he shall, by and with the consent of the Director, Division of Treasury, Department of Finance and the Secretary of State, deem necessary to meet and to pay any part or all of said appropriations.

(1) The revenue anticipation notes or certificates shall be numbered consecutively in such denominations and in such form as the Commission provided for under the provisions of subsection (5) of this section shall determine.

(2) They shall be payable at any period not exceeding one year from date of the issuance thereof.

(3) They shall be redeemable at the Farmers Bank of Dover on the date of their maturity.

(4) They shall be signed by the Governor, the Secretary of State and the Director, Division of Treasury, Department of Finance and shall have the State Seal affixed.

(5) The Governor, Secretary of State and Director, Division of Treasury, Department of Finance shall constitute a commission to negotiate and arrange for the sale or disposition of the revenue anticipation notes or certificates of indebtedness.

(6) The faith and credit of the State of Delaware is pledged for the payment of the principal and interest of the revenue anticipation notes or certificates of indebtedness which shall be exempt from taxation for any purpose by this State.

(7) All expense incident to the advertising, preparing, issuing and delivering of the revenue anticipation notes or certificates, principals and interest thereon shall be paid by the

Director, Division of Treasury, Department of Finance. There is appropriated such sums as may be necessary to pay costs, principals and interest of such revenue anticipation notes or certificates.

(b) If at any time during the fiscal year ending June 30, 1972, but prior to June 15, 1972, there should be a temporary insufficiency of General Fund monies in the State Treasury to pay then current General Fund obligations, the Director, Division of Treasury, Department of Finance shall pay such obligations from any other funds on deposit with the Director, Division of Treasury, Department of Finance. Any other funds so used to pay General Fund obligations shall be reimbursed as soon as sufficient General Fund monies become available but not later than June 15, 1972. Subsection (a) of this section shall not become operative until such time as the Budget Commission determines that the total of all funds on deposit with the Director, Division of Treasury, Department of Finance are insufficient to meet all current obligations chargeable against such funds or until June 15, 1972, whichever is the earlier date.

Section 4. All monies received by the Director, Division of Treasury, Department of Finance from the sale of the revenue anticipation notes or certificates of indebtedness shall be specially pledged and appropriated to and for the payment of the several appropriations in whole or in part.

Section 5. Any amount of money derived as income from the Public School Funds shall be deposited by the Director, Division of Treasury, Department of Finance in the General Fund and shall be fully expended for the purpose of meeting the expense of teachers' salaries incurred in accordance with appropriations for the public schools provided in Section 1 of this Act.

Section 6. For the purpose of matching any appropriation made for such educational acts as have been or may be passed by the Congress of the United States, the State Board of Education and the State Board for Vocational Education are hereby directed and empowered to prescribe to each of the local School Boards of Education and to the Boards of Trustees of any University or College supported by State Funds, the amount necessary to be allocated by said respective Boards to comply with the purpose

and intent of said educational acts which require the matching of funds.

Section 7. The sums appropriated to the schools as "Division II - Other Costs" shall be used for all school costs except salaries, debt services and transportation of pupils to and from the regular sessions of school as provided for in the appropriation to the State Board of Education for this purpose.

Section 8. (a) In the event that any school district shall have more certified units of pupils based on the actual enrollment for September 30, 1971, than the number of units for which appropriation is made in this Act, such district is hereby authorized and empowered:

(1) To employ additional teachers with State Funds not to exceed the difference between the number of certified units of pupils as of September 30, 1971, and the number of units of pupils for which teachers are provided by Section 1 of this Act.

(2) To employ an additional number of administrative, clerical, health, and custodial employees, not to exceed the difference between the number of such employees to which the district would be entitled in accordance with the provisions of Title 14, Delaware Code, and based on the number of certified pupil units in the district on September 30, 1971, and the number of such employees provided for the district by Section 1 of this Act. In cases which use a school building or parts thereof in the determination of the number of employees, such employees shall be charged against State appropriated funds, according to State Board of Education regulations.

(b) In the event that any school district shall have fewer certified units of pupils based on the actual enrollment for September 30, 1971, than the number of units for which appropriation is made in this Act, such district's appropriation shall be reduced by the State Board of Education and the Budget Director to comply with the number of units based on the actual enrollment for September 30, 1971.

(c) Authorizations to the Vocational Technical High Schools for staffing summer school programs may be granted upon a certified program and application to and approval by the State

Board for Vocational Education within the appropriations contained in Section I of this Act.

Section 9. The State Board of Education and the State Board for Vocational Education shall employ no persons except those whose salary or wages are paid wholly or in part from the funds appropriated by this Act. Except for casual or part-time "Teacher", "Clerical" or "Custodial" employees, all persons employed by the State Board of Education or the State Board for Vocational Education and paid wholly or in part from the funds appropriated by this Act and allocated in the line item under the headings "Assistant Superintendents", "Directors", "Supervisors", "Specialists", "Teachers", "Clerical" and "Custodial" shall be paid within the ranges of the salary schedules for these classifications as set forth in Chapter 13, Title 14, Delaware Code, provided that the State portion of such salaries in total shall not exceed the total funds appropriated by this Act, and provided that no employee shall be paid a base salary during the fiscal year covered by this Act which is lower than the salary such employee received during the fiscal year ending June 30, 1971, except in the event such employee is reduced in classification or in months employed.

Section 10. (a) The State Board of Education and the State Board for Vocational Education may employ such additional personnel who are paid entirely from Federal or other than State General Funds provided provision for such personnel is made by line item in this Act. All personnel employed pursuant to this subsection shall be paid within the ranges of the salary schedules set forth in Chapter 13, Title 14, Delaware Code, for the classification heading under which said line item position appears, or in accordance with the specific salary specified in the line item.

(b) The State Board of Education and the State Board for Vocational Education may employ such additional personnel who are paid entirely from Federal or other than State General Funds provided such personnel are certified (or qualified where no certification standards have been established), classified, and paid as "Teachers", "Clerical" or "Custodial", pursuant to Chapter 13, Title 14, Delaware Code. Said boards may also employ such other additional personnel who are paid entirely from Federal or other than State Funds.

(c) Local School Boards of Education and the various

school building commissions may employ personnel who are paid wholly or in part from Federal and/or School Construction Funds provided that such personnel shall be classified and paid in accordance with the salary schedules set forth in Chapter 13, Title 14, Delaware Code. In the event any of the aforementioned Boards or Commissions shall have a uniform local district salary supplement to the salary schedules set forth in said Chapter 13, such Board or Commission may also pay employees covered by this subsection an additional amount from Federal and/or School Construction Funds not in excess of that set forth in the uniform local district salary supplement.

(d) Personnel employed pursuant to this section shall not be covered by the provisions of Chapter 14, Title 14, Delaware Code.

(e) None of the various school boards or school building commissions shall enter into contracts with or pay individuals to provide consultant educational or related services from State, Federal or School Construction Funds when such individual is a salaried employee of the public school system of this State. This subsection shall not be construed to prohibit the employment of professional personnel to teach special classes such as night school and in-service courses in the same or other districts outside of regularly scheduled school hours.

(f) Any sections of prior statutes to the contrary notwithstanding, funds herein appropriated shall not be used to transport pupils enrolled in non-public, non-profit schools across public school district lines. Transportation of such pupils shall be restricted to transportation to non-public, non-profit schools within the boundaries of the public school district in which such pupils and his parents or guardians legally reside. Transportation services provided to such pupils shall in no case exceed that furnished to public school pupils residing within the boundaries of the public school district in which such pupils and his parents or guardians legally reside.

(g) The amount of \$1,300,000 appropriated for partial implementation of House Bill No. 509, 125th General Assembly, for occupational-vocational units in reorganized school districts (Vocational-Technical School Districts excepted since funds are provided in the regular budget and for growth in contingency) shall be distributed by the State Superintendent of Public

Instruction as provided by Title 14, Sections 1703, 1706, and 1707 on an equitable basis as far as these funds will allow.

(h) To the extent that DIVISION I funds which are allocated in accordance with statutory formula (for any and all salaries) other than salaries for classroom teachers are not spent, they may be transferred to DIVISION II for use in such manner as the school districts shall determine to be appropriate, upon request to and approval by the State Board of Education and the concurrence of the Budget Director.

Section 11. No funds appropriated by this Act or otherwise available to an agency of this State shall be expended except for purposes necessary to carry out the functions of such agency; no such funds shall be expended for purposes such as, but not limited to, greeting cards, flowers and tickets to athletic events when unrelated to the agency's function, and the Secretary, Department of Finance, shall, in executing his duty under Section 6518, Title 29, Delaware Code, refuse to approve such expenditures. An agency so affected by this Section shall have the right to appeal to the Budget Commission.

Section 12. (a) Except as specifically authorized to the contrary by the Delaware Code or subsection (b) of this Section, no State employee whose title is designated in a line item in Section 1 of this Act shall receive total compensation, whether in wages, salary, wages-in-kind or food allotment, bonus or overtime, from agencies of this State in excess of the total amount specified in such line item, regardless of the source of the funds involved. No full-time employee of the State of Delaware whose salary is paid wholly or in part by the State of Delaware shall receive any additional stipend for the purchase of food, or be supplied with food, or be reimbursed for food that was consumed during normal working hours within the State; provided, however, that this section shall not apply to employees of State Agencies who regularly receive wages-in-kind in addition to their salary nor to State Police recruits during the period of their training. In the event that an employee shall receive such excessive compensation, the amount of the appropriation from the General Fund shall be reduced by the amount of such excessive compensation and the Attorney General shall take such steps as are necessary to recover from such employee any such excessive amount as has actually been paid at the end of the fiscal year. In the event the "All

Others" part of a line item salary is made up entirely of Federal Aid monies, and further in the event such Federal Aid monies should not be forthcoming to the extent indicated, the State appropriation is hereby increased to the extent necessary to provide the "Total Salary" indicated in the line item. An agency may provide housing for such line item employee without reduction in the line item salary provided such housing is on the site of the principal location of employment; the agency board, commission or head has determined that such location of the employee is necessary to the operation of the agency; and the employee has no other employment, public or private. No agency shall provide an employee with a housing allowance or compensation for housing.

(b) A State employee whose salary is a line item in this Act may perform additional duties for a State agency other than his principal employer, with the consent of his principal employer, and may be paid additional compensation therefor, provided such additional duties are not a part of his regular duties for the principal employer and not rendered during time paid for by the principal employer. In the specific instance of the Institute of Human Behavior, state employees may join in the cooperative program with the Jefferson Medical College if the Service is rendered at times other than when the employee is assigned to state duty, and under these instances the employee may be paid for services rendered.

Section 13. (a) For the purpose of this section the term "department" means all State departments and agencies except public school districts.

(b) Where the number of employee positions have been set forth in the salary or wage line appropriation for a department in Section 1 of this Act such number\* shall be interpreted to mean equivalent full-time positions. Each department having such a designation shall file with the Budget Director and the Controller-General a listing of the employee positions as provided and the salary or wage for each such position. The total of such salaries and wages for each department shall not exceed the appropriation therefor and the number of employee positions shall not be changed except upon approval by the Governor as provided in subsection (c) of this section.

(c) In the event the number of employee positions for a department has been specified as indicated in subsection (b), and in the event such positions are covered in the classified service, the pay grade level for each such position and the salary or wage of the employee filling such position shall be in accordance with the rules and regulations of the State Personnel Commission. The classification of a position shall not be changed by the Personnel Commission after June 30, 1971 except within the limit of the department's salary and wage appropriation as certified by the Budget Director. The total number of employee positions as specified shall not be changed except upon approval by the Governor based upon certification by the Budget Director that the change is necessary for the department in the accomplishment of its function and the necessary funds are available in the department's salary and wage appropriation. The Budget Director shall advise the Controller-General immediately when such approval is granted.

(\* See Footnote on Page 542.

(d) It is the intent of this Budget Act that the number of employees, other than public school employees, shall not exceed the total number set forth in Section 1. It is also the intent of this Budget Act that the grand total Salary Appropriations, other than public school employees, shall not exceed that set forth in Section 1.

Section 14. The sums appropriated to the Communications Section, Division of Administration and Intergovernmental Services, Department of Public Safety in Section 1 of this Act are intended to cover the expense of services performed by the Communications Section pursuant to Chapter 16, Title 17, Delaware Code. Any funds received by the Communications Section pursuant to said Chapter 16 shall be considered as revenue to the State and deposited in the General Fund.

Section 15. The funds herein appropriated to the Department of Public Welfare in the amount of \$250,000 for the Head Start Program shall be spent only if there shall have been approved and made available the \$750,000 of Federal Government matching funds under Title IV A. If such Federal matching funds are not forthcoming, the \$250,000 of State funds herein appropriated shall revert to the General Fund.

Section 16. The sum of \$1,850,000 appropriated to the Department of Health and Social Services for Title XIX Federal Programs other than in State institutions shall be expended solely in accordance with the following conditions and limitations:

(a) This appropriation shall be used for the purpose of continuing the program of medical assistance within the requirements of Section 121 (a) of P. L. 89-97 enacted by the Congress of the United States and commonly known as Title XIX of the Social Security Act.

(b) The State Plan of Medical Care to be carried out by the Department of Health and Social Services shall meet the requirements for Federal financial participation under the aforementioned Title XIX, and the sums expended by the Department pursuant to this Act shall be limited to:

- (1) inpatient hospital services;
- (2) outpatient hospital services;
- (3) other laboratory and x-ray services;
- (4) skilled nursing home services for individuals 21 years of age or older;
- (5) physicians' services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home or elsewhere; and
- (6) health services for the migrant health program not to exceed \$25,000 to be disbursed by the Department of Health and Social Services to the hospitals participating in this program on a per diem basis for the cost of services provided.

(c) The Department of Health and Social Services shall endeavor to assure that each hospital listed herein shall receive during the fiscal year payments from the Department of Health and Social Services for medical benefits delivered to eligible beneficiaries by the following hospitals:

Beebe Hospital of Sussex County, Inc.  
Kent General Hospital  
Milford Memorial Hospital, Inc.  
Nanticoke Memorial Hospital  
Riverside Hospital  
St. Francis Hospital, Inc.  
Wilmington Medical Center, Inc.

(d) The State Auditor may from time to time verify the expenditures and the cost basis for billing by said hospitals and report to the Director, Division of Treasury, Department of Finance; the Budget Director; the Controller-General; and the General Assembly.

Section 17. The sum of up to \$500,000 appropriated to the Department of Health and Social Services for Title XIX Federal Programs in State institutions shall be expended solely in accordance with the following conditions and limitations:

(a) The sum of up to \$480,000 shall be expended for the purpose of providing medical services to patients eligible under the Federal Title XIX Medicaid Program residing in the various facilities of, or under the jurisdiction of, the Department of Health and Social Services.

(b) The sum of up to \$20,000 may be expended by the Department of Health and Social Services for administrative costs involved in carrying out the purposes of this section based on prior approval of the Budget Director.

(c) The funds hereby appropriated shall be expended only on the condition that the program is approved and Federal matching funds are provided by the appropriate Federal agency.

Section 18. In the event the sum appropriated in Section 1 of this Act is insufficient for benefits to be paid for the employer's share of Social Security, such additional sum as may be required for this purpose is hereby appropriated and shall be paid from the General Fund.

Section 19. Any department, other than those covered by the classified service or the provisions of Section 10 of this Act, which receives Federal or other than State appropriated funds,

shall, when establishing salary and wage rates for employees to be paid from such funds, establish rates that are comparable to rates paid from State appropriated funds to employees with similar training and experience and in similar positions in the classified service.

Section 20. The funds appropriated to the State Personnel Commission in Section 1 of this Act shall be considered as having been appropriated to each department having personnel covered by the Classification Plan, and as paid by such departments to the State Personnel Commission in proportion to the number of classified positions in such department on July 1, 1971. Any department employing classified personnel from funds other than the General Fund shall pay to the State Personnel Commission such pro rata share for each such employee from its special funds and such payments shall be used by the Personnel Commission to reduce to this extent the General Fund appropriation provided in Section 1 of this Act.

Section 21. The Budget Director shall make a monthly report of all transfers of funds and positions as appropriated and authorized in Section 1 of this Act between departments and within departments with appropriate justification to the Controller-General of the Joint Finance Committee.

Section 22. All State-owned boats and motor vehicles shall bear prominent identification, at least on the rear thereof, identifying such vehicles as State-owned vehicles. Exceptions are the Governor's car, vehicles of the State Police, State Detectives, Alcoholic Beverage Control Commission, and certain special use vehicles operated by the Department of Health and Social Services, Division of Corrections.

Section 23. The limitation of \$2,200 with respect to the cost of automobiles purchased for State use, prescribed by Section 6902, Chapter 69, Title 29 of the Delaware Code, is hereby increased to \$2,600, for automobiles purchased during the fiscal year ending June 30, 1972, within the appropriation limits imposed by this Act. It is the intent of this Section that only new vehicles will be purchased unless specific approval is granted by the Budget Director.

Section 24. All State Agencies, Boards, Commissions, and

## Chapter 182

Departments (hereinafter all referred to as agency) receiving funds herein, shall file annual reports as follows, any other law to the contrary notwithstanding:

(a) The annual report shall inform the Governor, the General Assembly, other State agencies and the public of the costs and benefits, goals, accomplishments and problems of the reporting agency or office. The report should be brief, factual, and to the point, and it should be designed to transmit information rather than serve the purpose of a promotional publication.

(b) A statistical summary shall show the agencies' budget, supplemental appropriations (if any), actual expenditure, revenues (if any), and number of employees by year for the past three years as well as a forecast of expenditures, revenues (if any), and employees for the next five years. Explanations shall be provided for supplemental appropriations.

(c) The written portion of the report shall state briefly the statutory responsibility of the agency plus its major programs, accomplishments, goals, and problems. The emphasis should be on the future rather than on the past, and any forecast of substantial growth or decline in expenditures should be explained.

(d) The report shall be submitted not later than November 15, 1971.

(e) The Governor, Lieutenant Governor, Budget Director, Controller-General and Auditor of Accounts shall receive copies of all agency reports. Each member of the General Assembly shall receive a copy of all agency reports except those of local Reorganized School Districts. Reports of various local Reorganized School Districts shall be furnished to members of the General Assembly who represent in whole or in part the area encompassed within such Reorganized School District. Two extra copies of the reports of all local Reorganized School Districts shall be furnished to the Controller-General.

(f) The report shall be typewritten on standard-sized paper and reproduced by the most economical means, considering the number of copies needed for distribution to all related functions and interested parties.

**Section 25.** The sums and employee positions appropriated in Section 1 of this Act to "(95-41-000) Health and Correctional" shall be transferred by the Budget Director to the Department of Health and Social Services for the Ferris School for Boys, the Governor Bacon Health Center and the Hospital for the Mentally Retarded in accordance with the number of pupil units in these facilities and the provisions of Section 8(a) (1) and 8(b) of this Act shall apply to these facilities even though they are not deemed to be "school districts."

**Section 26.** (a) Appropriations set forth in Section 1 of this Act must remain with the department to which appropriated and may not be transferred for use by another department.

(b) Appropriations set forth in Section 1 of this Act must remain within the Departmental Divisions to which appropriated and may not be transferred for use by another Division within a Department.

(c) Transfer of any funds appropriated by this Act shall be subject to the authority and limitations set forth in Part VI, Title 29 of the Delaware Code; provided, however, that no funds may be transferred into "salaries" or "salaries and wages" from non-salary appropriations nor shall any funds be transferred into line-item salary appropriation for a specific position from any emergency or contingency fund, except as otherwise specifically provided by law and to maintain the salary schedules set forth for school employees in Chapter 13, Title 14, of the Delaware Code. No funds appropriated to salaries may be transferred to non-salary appropriation lines (e.g., Personal Services, Travel, Contractual Services, Supplies and Materials and Capital Outlay). Contingency and special items may be used in accordance with the Department's objectives substantiating their request.

**Section 27.** Nothing contained in Titles 14 and 31, Delaware Code, shall be construed as authorizing appropriations or expenditures of General Fund monies during the fiscal year ending June 30, 1972 in excess of or other than the amounts set forth in this Act and as have been or may be authorized in Supplementary Appropriation Acts enacted by the 125th General Assembly and the 126th General Assembly.

Section 28. Any previous Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency; however, the compensations of certain key executives of the State Government may be paid within the salary ranges as provided and authorized by Title 29, Chapter 60, Delaware Code, and any other Act or Acts which may amend said Chapter, limited, however, to the amounts provided by this Act.

Approved July 1, 1971.

CHAPTER 183

FORMERLY HOUSE BILL NO. 224  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

**AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HIGHWAYS AND TRANSPORTATION FOR THE GREATER WILMINGTON TRANSPORTATION AUTHORITY DURING THE FISCAL YEAR ENDING JUNE 30, 1972.**

WHEREAS, the Greater Wilmington Transportation Authority is in dire need of funds presently and during the fiscal year ending June 30, 1972, in order that it may maintain operations of transportation to the citizens of New Castle County;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$250,000 is hereby appropriated to the Department of Highways and Transportation to be paid to the Greater Wilmington Transportation Authority or its successor for the fiscal year ending June 30, 1972.

Section 2. The sum so appropriated shall be paid out of the Treasury of this State, and any portion of the sum so appropriated by this Act on the first day of July, 1972, which shall not have been paid out of the State Treasury shall revert to the General Fund.

Approved July 1, 1971.

## CHAPTER 184

## FORMERLY HOUSE BILL NO. 374

**AN ACT TO AMEND TITLE 18, DELAWARE INSURANCE CODE, BY AMENDING CHAPTER 5 TO CREATE A BOARD OF ARBITRATION REGARDING THE CANCELLATION OF CERTAIN INSURANCE AGENCY CONTRACTS.**

*Be it enacted by the General Assembly of the State of Delaware :*

Section 1. Chapter 5, Title 18, Delaware Code, is amended by inserting a new section to read as follows:

**§ 529. Arbitration of cancellation of insurance contracts**

(a) Every insurance company shall notify the Insurance Commissioner or his successor and the agency involved, of the intent to cancel an agency contract, except life, whether it be written or verbal, 30 days prior to the issuance of the notice of cancellation.

(b) Except in the case where fraud exists or where an agency is in arrears of money owed, of more than 60 days to the insurance company in question, no insurance company may cancel an agency without giving 12 months notice. This notice shall be in writing and upon the option of the company may prohibit the agency from writing any new business in this particular company, but will allow the agency to renew all existing business in this 12 month period and will allow the agency to have binding authority, to make endorsements or other changes to existing business and will pay the same rate of commission for the 12 month period.

(c) The Insurance Commissioner shall appoint an Arbitration Board to arbitrate the cancellation of agency contracts. This Board shall consist of three arbiters appointed by the Insurance Commissioner. One of these arbiters shall be from the Insurance Department; the remaining two from the insurance industry.

(d) The purpose of this Board is to determine whether an agency cancellation will adversely effect the public interest. If

such a determination is made, the Board shall prescribe a method of cancellation to be followed by both parties. The decision of the Board of Arbitration shall be binding upon the company and agency involved.

Section 2. This Act shall be effective July 1, 1971.

Approved July 1, 1971.

## CHAPTER 185

HOUSE BILL NO. 395  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF JUVENILE CORRECTIONS FOR THE PURPOSE OF OPERATING THE DELAWARE YOUTH CENTER.**

WHEREAS, there are many juvenile offenders committed to the custody of the Division of Juvenile Corrections who are sophisticated, aggressive, seriously disturbed, and difficult to manage, and who cannot be treated effectively in an open institution such as the Ferris School for boys; and

WHEREAS, juvenile offenders require separation from adult offenders to avoid the detrimental effect of association with older inmates which may lead them into a continued life of criminal activity; and

WHEREAS, such juvenile offenders require a separate, appropriately secure facility and specialized training and treatment programs; and

WHEREAS, the juvenile offender is not emotionally or physically mature and is still forming his attitudes, goals, and behavior patterns, it is possible for him to be rehabilitated through proper treatment; and

WHEREAS, it is in the interest of all the people of Delaware to assure every juvenile offender of the hope and the possibility of his ultimate rehabilitation and return to full, responsible membership in society; and

WHEREAS, the continued operation of the Delaware Youth Center is absolutely essential to enable the Division of Juvenile Corrections to fulfill the responsibilities outlined above;

**NOW, THEREFORE:**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby appropriated to the Department of Health and Social Services, Division of Juvenile Correction, the sum of Three Hundred Thirty-four Thousand, Nine Hundred Forty-two Dollars (\$334,942) for the purpose of operating the Delaware Youth Center, to be allocated as follows:

Salaries – Overtime .....	\$ 10,000
Salaries & Wages of Employees (34) .....	258,052
Personal Services .....	17,020
Travel .....	900
Contractual Services .....	18,150
Supplies and Materials .....	21,920
Capital Outlay .....	8,900
TOTAL .....	<u>\$334,942</u>

Section 2. This is a supplementary appropriation and the monies herein appropriated shall be paid from the General Fund of the State of Delaware out of funds not otherwise appropriated.

Section 3. Any funds appropriated herein which are unexpended shall revert to the General Fund of the State of Delaware on June 30, 1972.

Approved July 1, 1971.

## CHAPTER 186

FORMERLY HOUSE BILL NO. 459  
AS AMENDED BY  
HOUSE AMENDMENTS NO. 1 AND 2

**AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE  
DELAWARE CODE RELATING TO THE PROCUREMENT  
OF MATERIALS AND AWARD OF CONTRACTS FOR  
PUBLIC WORKS BY STATE AGENCIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 69, Title 29 of the Delaware Code, by adding the following new Section 6920, to read:

**§ 6920. Substitution of securities for retainages on State Contracts**

(1) Under any contract made or awarded by an agency, the contractor may, from time to time, withdraw the whole or any portion of the total amount then being retained for payments to the contractor pursuant to the terms of the contract, upon depositing with the agency:

(a) United States Treasury Bonds, United States Treasury Notes, United States Treasury Certificates of indebtedness or United States Treasury Bills, or

(b) Bonds or Notes of the State of Delaware, or

(c) Bonds of any political subdivision in the State of Delaware, or

(d) Certificates of deposit from State or National Banks located in the State of Delaware; provided, however, that no amount shall be so withdrawn by the contractor at any particular time which shall be in excess of the aggregate market value of the above-described securities so deposited at the time of and in relation to such particular withdraw or of the aggregate face value of such securities at such time, whichever shall be lower.

(2) The agency shall, on a regular basis, collect all interest or income on the obligations so deposited and shall pay the same, when and as collected, to the contractor who deposited the obligations. If the deposit is in the form of coupon bonds, the agency shall deliver each coupon as it matures to the contractor.

(3) At any time while any agency holds any securities as above-described on deposit from a contractor, the contractor shall, upon his request, receive back from the agency all or part of the securities, and any income of any nature then held by the agency from the securities he requests, or accrued thereon, provided that the contractor redeposits with the agency, in substitution for such securities as he shall request, an amount of cash equivalent to the amount of retainage for which the said securities were originally deposited.

Section 2. This Act shall become effective upon enactment and approval by the Governor.

Approved July 1, 1971.

## CHAPTER 187

## FORMERLY HOUSE BILL NO. 495

**AN ACT AMENDING SECTION III, TITLE 7, DELAWARE CODE, TO PROVIDE FOR TREATMENT OF PRIVATELY OWNED WATERS WITHOUT NOTICE TO OWNERS UNDER CERTAIN CONDITIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section III, Chapter 11, Title 7, Delaware Code, is hereby amended by adding thereto the following sentence:

In the event conditions in a privately owned lake or pond constitute a health hazard or violate the water quality standards of the Department, the Department may immediately proceed with necessary treatment. Notice of such treatment must be given to the owners of such lake or pond as soon as possible.

Approved July 1, 1971.

## CHAPTER 188

## FORMERLY HOUSE BILL NO. 497

**AN ACT TO AMEND HOUSE BILL 200 OF THE 126TH  
GENERAL ASSEMBLY BY MAKING CERTAIN RE-  
DUCTIONS IN MONEY APPROPRIATED THEREIN.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend House Bill 200 of the 126th General Assembly by adding thereto new sections to read as follows:

Section 29.

Notwithstanding any other provision in House Bill 200 of the 126th General Assembly to the contrary, the total amount appropriated in said House Bill 200 to the following combination of State agencies, excluding any appropriations in said bill to said agencies for debt service, pensions, health and welfare grants, Municipal Street Aid, Social Security and Health Insurance, is hereby reduced by an aggregate of 5% (\$3,000,000) for all combined.

10 - 00 - 000	Executive Offices
20 - 00 - 000	Department of State
25 - 00 - 000	Department of Finance
30 - 00 - 000	Department of Administrative Services
35 - 00 - 000	Department of Health & Social Services
40 - 00 - 000	Department of Natural Resources and Environmental Control
45 - 00 - 000	Department of Public Safety
50 - 00 - 000	Department of Community Affairs and Economic Development
55 - 00 - 000	Department of Highways & Transportation
60 - 00 - 000	Department of Labor
65 - 00 - 000	Department of Agriculture

Provided further, that the Governor shall submit to the General Assembly no later than July 13, 1971, a plan for proposed allocation of aggregate reductions mandated in this section.

## Section 30.

Notwithstanding any other provision of House Bill 200 of the 126th General Assembly, total appropriations therein for each of the following State agencies are separately reduced by 5% (net aggregate reduction = \$1,420,000).

02 - 00 - 000	Judicial
15 - 00 - 000	Legal
12 - 00 - 000	Other Elective Offices
76 - 00 - 000	National Guard
70 - 00 - 000	Department of Elections
75 - 00 - 000	Fire Prevention Commission
90 - 00 - 000	Higher Education

## Section 31.

Notwithstanding any other provision of House Bill 200 of the 126th General Assembly appropriations therein designated for "State Board of Education and State Board for Vocational Education" (95 - 01 - 000) are hereby reduced by \$290,000."

Approved July 1, 1971.

## CHAPTER 189

## FORMERLY HOUSE BILL NO. 498

**AN ACT RELATING TO THE NUMBER OF ADMINISTRATIVE  
AND PROFESSIONAL POSITIONS AUTHORIZED FOR  
PUBLIC SCHOOLS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend subsection (e) Section 1321, Title 14, Delaware Code, as follows:

A. Amend subparagraph 1 by striking the number "250" as it appears therein and substitute in lieu thereof the number "300".

B. In subparagraph 2 strike the number "150" as it appears therein and substitute in lieu thereof the number "200".

C. In subparagraph 4 strike the number "100" and substitute in lieu thereof the number "150" therefor.

D. In subparagraph 5 strike the number "150" and substitute in lieu thereof the number "200".

Section 2. Amend subsection (e), Section 1308, Title 14, Delaware Code, by striking the word "ten" as it appears in the next to the last sentence thereof, and substituting therefor the word "fifteen".

Section 3. Amend subsection (c), Section 1310, Title 14, Delaware Code, by striking the number "40" as it appears in the fourth line thereof, and substituting therefor the number "50".

Approved July 1, 1971.

## CHAPTER 190

## FORMERLY HOUSE BILL NO. 499

**AN ACT TO AMEND CHAPTER 17, TITLE 14, DELAWARE CODE, BY INCREASING THE NUMBER OF PUPILS COMPOSING A "UNIT" FOR CERTAIN PURPOSES.**

*Be it enacted by the General Assembly of the State of Delaware.*

Section 1. Amend Section 1703, Title 14, Delaware Code, by adding a sentence at the end of the first paragraph thereof to read as follows:

Only for purposes of computing Division I H (teachers) costs as set forth in Section 1708 herein, the term "unit" shall include twenty-two (22) pupils or major fraction thereof in grades 7-12 and twenty-seven (27) pupils or major fraction thereof in grades 1-6. All other Division I costs are to be computed as provided in the first sentence of this paragraph.

Approved July 1, 1971.

## CHAPTER 191

## FORMERLY HOUSE BILL NO. 500

**AN ACT DIRECTING THAT CERTAIN STATE EMPLOYEES  
RECEIVE MERIT INCREASES AT A RATE NOT TO  
EXCEED 2½% PER YEAR WITHOUT CHANGING STEP.**

*Be it enacted by the General Assembly of the State of Delaware.*

Section 1. Notwithstanding any provision of the Delaware Code or regulations of the State Personnel Commission to the contrary, all State employees except members of the General Assembly, the uniformed division of the Delaware State Police, the employees and teachers of the public school districts, including the Department of Public Instruction, the members and teachers of the institutions of higher education, those officials covered under the executive pay scale and the judges of the State's justice system, shall on that anniversary date of their employment occurring during the Fiscal Year ending June 30, 1972, receive an increase in pay of two and one-half percent (2½%).

Section 2. Provided that nothing in this Act shall require the State to increase the pay of any employee whose pay raise is denied as a result of proper disciplinary proceedings.

Section 3. Provided further, that nothing herein shall be construed to cause any classified employee to change the step or increment to which he is now entitled in the Pay Classification Scale.

Section 4. The State Personnel Commission may promulgate appropriate regulations for the implementation of this Act.

Approved July 1, 1971.

## CHAPTER 192

## FORMERLY HOUSE BILL NO. 501

**AN ACT TO AMEND CHAPTER 333, VOLUME 57, DELAWARE LAWS BY CHANGING THE EFFECTIVE DATE OF A 5% PAY RAISE FOR SCHOOL EMPLOYEES, AND PROVIDING FOR THE VARIABILITY OF STATE PUBLIC SCHOOL EMPLOYMENT CONTRACTS BY THE GENERAL ASSEMBLY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 333, Volume 57, Delaware Laws, by striking in its entirety Section 19 thereof and substituting in lieu thereof the following new Section 19:

Section 19. Effective January 1, 1972, the State Board of Education shall revise the salary schedules in Sections 1305 (a), 1306 (a), 1307 (a) and (c), 1308 (a), 1309 (b), 1310 (a), 1311 (a) and (b), 1321 (a) and (c), 1322 (a) and (b), and 1324 (b) of this Act to reflect a 5% salary increase rounded to the nearest dollar for the second half of each employee's working year.

Section 2. Provided that the terms of all public school employment contracts are subject to alteration by action of the General Assembly and shall so state by their terms.

Approved July 1, 1971.

CHAPTER 193

FORMERLY SENATE BILL NO. 318

**AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 21, TITLE  
23 OF THE DELAWARE CODE RELATING TO VIOLA-  
TIONS OF STATE BOATING LAWS.**

*Be it enacted by the General Assembly of the State of Delaware (Two-thirds of the members of each House concurring therein):*

Section 1. Amend Section 2130, Subchapter 11, Chapter 21, Title 23 of the Delaware Code, by adding the following sentence thereto:

Justice of the Peace Courts shall have jurisdiction over any violations of the provisions of this Chapter.

Approved July 2, 1971.

## CHAPTER 194

## FORMERLY SENATE BILL NO. 346

**AN ACT TO AMEND TITLES 10 and 11, DELAWARE CODE, RELATING TO VARIOUS RESPONSIBILITIES AND PROCEDURAL REQUIREMENTS INVOLVING JUSTICES OF THE PEACE AND JUSTICE OF THE PEACE COURTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5902, Title 11, Delaware Code, is hereby repealed in its entirety.

Section 2. § 5907, Title 11, Delaware Code, is hereby repealed in its entirety.

Section 3. § 9535, Title 10, Delaware Code, is hereby repealed in its entirety.

Section 4. § 9536, Title 10, Delaware Code, is hereby repealed in its entirety.

Section 5. § 9537, Title 10, Delaware Code, is hereby repealed in its entirety.

Section 6. § 9538, Title 10, Delaware Code, is hereby repealed in its entirety.

Section 7. § 9577, Title 10, Delaware Code, is hereby repealing subsections "(a) (2)" and "(b) (2)" thereof.

Section 8. § 9545, Title 10, Delaware Code, is hereby amended by repealing subsection "(b)" thereof.

Section 9. § 9550, Title 10, Delaware Code, is hereby repealed in its entirety.

Section 10. § 9613, Title 10, Delaware Code, is hereby repealed in its entirety.

Section 11. § 9301, Title 10, Delaware Code, is hereby

amended by inserting the words "or guarantees or warranties, express or implied" after the phrase "or express or implied promise," where it appears therein.

Approved July 2, 1971.

## CHAPTER 195

FORMERLY HOUSE BILL NO. 467  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1**AN ACT PROVIDING AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL FOR RELOCATION ASSISTANCE TO PERSONS DISPLACED IN THE ACQUISITION OF BURTON ISLAND, FOR STATE PARK PURPOSES, UPON WHICH THEY LIVE OR CONDUCT A BUSINESS.**

WHEREAS, the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 establishes a new and different program of state park relocation assistance; and

WHEREAS, the declared purpose of this program is to insure that a few individuals do not suffer disproportionate injuries as a result of a displacement caused by a Federal program; and

WHEREAS, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 provides that individuals displaced in connection with Federally assisted projects shall be eligible for the benefits authorized under the Act as soon as states are able under their laws to comply with it; and

WHEREAS, persons displaced as a result of the acquisition of Burton Island would be eligible for relocation costs utilizing 100% Federal Funds.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Secretary of the Department of Natural Resources and Environmental Control is hereby empowered to expend State funds appropriated to the Department for land acquisition; to make relocation payments and to provide assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; provided, that the

Secretary must expend funds for this purpose that are Federally-reimbursable under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646.

Approved July 2, 1971.

## CHAPTER 196

## FORMERLY SENATE BILL NO. 321

**AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO INCREASE THE AMOUNT AUTHORIZED TO BE RAISED AS TAXES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each House thereof concurring therein):*

Section 1. Subsection A, Section 27, Chapter 42, Volume 53, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

(A) The City Council, after having ascertained the sum necessary to be raised as taxes for the purpose of this Act, which sum shall not in any one year exceed the total sum of \$300,000.00, in excess of all delinquencies and expenses of collection, and after having apportioned the sum on the assessment and valuation as hereinbefore set forth, shall annually in the month of May or as soon thereafter as practicable but in no event later than the 30th day of June in any year, cause to be delivered to the City Manager, a list containing the names of the taxables, as well as the owners of real and personal property and opposite the name of each taxable, the amount of assessment on his real and personal property, and his City per capital assessment, and the rate of tax on the real property and on the personal property per hundred dollars of assessment. The list as delivered to the City Manager shall be signed by the Mayor.

Approved July 3, 1971.

CHAPTER 197  
FORMERLY HOUSE BILL NO. 67  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE  
DELAWARE CODE, PERTAINING TO SCHOOL BUS  
DRIVER LICENSE APPLICATIONS AND QUALIFICA-  
TIONS THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 2707, Subchapter 1, Chapter 27, Title 21 of the Delaware Code, by striking Subsection 1 thereof in its entirety and substituting in lieu thereof the following:

1. The applicant shall possess an operator's or chauffeur's license valid in this or any other state. Every school or school district intending to employ an out-of-state licensed bus driver, whether hired directly by the school or by contract with a private operator, shall, prior to employment be responsible for forwarding to the Director, the name, date of birth, present address, and operator's or chauffeur's license number of the prospective employee. The Director shall obtain an official copy of the driving record of said individual from the state wherein he is licensed.

The Director shall, on the basis of such driving record, determine if the applicant meets the standards required of an applicant to be licensed as a school bus driver in this State. If the applicant's driving record is satisfactory the Director shall approve his employment as a school bus driver. The Director shall make such periodic checks of each out-of-state driver's driving record as he deems necessary to assure compliance with the provision of this chapter.

It shall also be the responsibility of the employing district or school to annually furnish the Director with an official copy of the driving record of each such driver employed.

Section 2. This Act shall become effective on July 1, 1971.

Approved July 3, 1971.

## CHAPTER 198

FORMERLY HOUSE BILL NO. 128  
AS AMENDED BY  
HOUSE AMENDMENTS NO. 1 AND 2 AND  
SENATE AMENDMENT NO. 2**AN ACT TO AMEND SUBCHAPTER III, CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO TOLL EVASION ON THE DELAWARE TURNPIKE; PENALTY; JURISDICTION OF JUSTICE OF THE PEACE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each House concurring therein):*

Section 1. Amend Subchapter III, Chapter 41, Title 21, Section 4127, of the Delaware Code, by striking the figure "\$10" as the same appears in paragraph (b) of said section, and inserting in lieu thereof the figure "\$5".

Section 2. Section 4127, Subchapter III, Chapter 41, Title 21, Delaware Code, is amended by adding the following paragraph to said section to read as follows:

(f) Any person arrested under the provisions of this law shall have the right to appear before the committing Justice of the Peace on or before the date and time set for trial and pay the minimum fine for each such offense or to mail the minimum fine to the committing Justice of the Peace provided that such remittance is mailed at least two days before the date set for the trial. Court costs shall not be assessed if the fine is paid pursuant to this subsection, any statute or court rule of this State notwithstanding. The Court shall mail a receipt indicating the payment of a fine pursuant to this subsection if the person paying such fine makes a written request for a receipt and encloses a self-addressed envelope with postage affixed thereon.

Approved July 3, 1971.

CHAPTER 199

FORMERLY HOUSE BILL NO. 187  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 4, DELAWARE CODE, SECTION 512, RELATING TO THE REMOVAL OF PARTIALLY CONSUMED BOTTLES OF ALCOHOLIC LIQUOR FROM CLUBS, RESTAURANTS, HOTELS, DINNER THEATERS, OR HORSE RACETRACKS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 4, Delaware Code, Section 512, by adding at the end of said section a new paragraph to read as follows:

Any person who has purchased a bottle of alcoholic liquor other than beer from a hotel, restaurant, club, dinner theater, or horse racetrack licensed under the provisions of this section, and who has partially consumed the contents of said bottle of alcoholic liquor other than beer on the licensed premises of said hotel, restaurant, club, dinner theater, or horse racetrack shall be permitted to remove from the licensed premises of said hotel, restaurant, club, dinner theater, or horse racetrack the bottle of alcoholic liquor other than beer which has been partially consumed for the purpose of consumption off said licensed premises.

Approved July 3, 1971.

## CHAPTER 200

## FORMERLY HOUSE BILL NO. 554

**AN ACT TO AMEND CHAPTER 25, TITLE 16, DELAWARE  
CODE, RELATING TO CONTRACEPTIVES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Chapter 25, Title 16, Delaware Code, is amended  
by striking said chapter in its entirety.

Approved July 3, 1971.

CHAPTER 201

FORMERLY HOUSE BILL NO. 257

**AN ACT TO AMEND CHAPTER 9, TITLE 4 OF THE DELAWARE CODE RELATING TO CRIMINAL OFFENSES AND PENALTIES IN THE SALE OF ALCOHOLIC LIQUORS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 904, Chapter 9, Title 4 of the Delaware Code, by adding thereto a new paragraph, designated as paragraph (h), which new paragraph shall read as follows:

(h) Nothing in this Section shall prevent the employment of a minor, nineteen years of age or older, without a permit, to serve alcoholic liquors to patrons of a restaurant licensed under the provisions of this title.

Approved July 3, 1971.

## CHAPTER 202

FORMERLY HOUSE BILL NO. 273  
AS AMENDED BY HOUSE AMENDMENT NO. 2**AN ACT TO AMEND CHAPTER 67, TITLE 21, DELAWARE CODE, RELATING TO ALTERATION OF AUTHORIZED IDENTIFICATION NUMBER ON VEHICLE OR ENGINE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each branch thereof concurring therein):*

Section 1. Amend Chapter 67, Section 6705, Title 21, Delaware Code, by striking the present section in its entirety and substituting a new section to read as follows:

**§ 6705. Removed, falsified or unauthorized identification number on vehicle or engine**

(a) A person who willfully removes to falsify or falsifies an identification number of a vehicle or an engine for a vehicle is guilty of a misdemeanor.

(b) A person who, willfully and with intent to conceal or misrepresent the identity of a vehicle or engine, removes or falsifies an identification number of the vehicle or engine, is guilty of a felony.

(c) A person who buys, sells, receives, possesses or disposes of a vehicle or an engine for a vehicle, knowing that an identification number of the vehicle or engine has been removed or falsified, is guilty of a misdemeanor.

(d) A person who buys, sells, receives, possesses or disposes of a vehicle or an engine for a vehicle, with knowledge that an identification number of the vehicle or engine has been removed or falsified and with intent to conceal or misrepresent the identity of the vehicle or engine is guilty of a felony.

(e) A person who removes a license/registration plate from a vehicle or affixes to a vehicle a license/registration plate not authorized by law for use on it, in either case with intent to

conceal or misrepresent the identity of the vehicle or its owner, is guilty of a misdemeanor.

(f) An identification number may be placed on a vehicle or engine by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of the Division without violating this section; an identification number so placed or restored is not falsified.

(g) Whoever is found guilty of a misdemeanor under this section shall be fined not less than \$50 nor more than \$500 or imprisoned not less than 30 days nor more than six months or both. Whoever is found guilty of a felony under this section shall be fined not less than \$500 nor more than \$5,000 or imprisoned not less than one (1) year nor more than five (5) years or both. Justices of Peace shall have jurisdiction.

Approved July 3, 1971.

## CHAPTER 203

## FORMERLY HOUSE BILL NO. 375

**AN ACT TO AMEND TITLE 30, CHAPTER 51, DELAWARE CODE, PERTAINING TO MOTOR FUEL TAX BY CHANGING RECORD RETENTION AND INSPECTION OF RECORD REQUIREMENTS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each House concurring therein):*

Section 1. Section 5122 (a), Title 30, Delaware Code, is amended by striking the words "for a period of two years," and inserting in lieu thereof the words "for a period of three years,".

Section 2. Section 5123 (b), Title 30, Delaware Code, is amended by striking the words "at least once in each year" and inserting in lieu thereof the words "to the extent deemed necessary by the Secretary of Finance,".

Approved July 3, 1971.

CHAPTER 204

FORMERLY HOUSE BILL NO. 253

**AN ACT TO AMEND CHAPTER 83, TITLE 11 OF THE  
DELAWARE CODE RELATING TO THE POWERS AND  
DUTIES OF THE STATE POLICE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Chapter 83, Title 11 of the Delaware Code, is amended by striking the existing Section 8302 in its entirety and substituting in lieu thereof the following new Section 8302:

**§ 8302. Powers and duties**

(a) State Police shall have police powers similar to those of sheriffs, constables and other police officers, and shall be conservators of the peace throughout the State, and they shall suppress all acts of violence, and enforce all laws relating to the safety of persons and property.

(b) When police officers of local jurisdictions are acting outside their respective jurisdictions as conservators of the peace in response to a request for assistance from the State Police, those local officers shall be considered to be acting as State Police officers and shall have the powers of arrest thereof.

Approved July 3, 1971.

## CHAPTER 205

## FORMERLY HOUSE BILL NO. 394

**AN ACT TO AMEND PART III, TITLE 30, DELAWARE CODE,  
RELATING TO NOTICE OF DATE FOR PROCURING  
OCCUPATIONAL AND BUSINESS LICENSES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 30, Section 2104, Delaware Code, by striking said Section 2104 in its entirety and inserting in lieu thereof a new Section 2104 to read as follows:

**§ 2104. Notice of date for procuring licenses**

The Department of Finance shall cause public notice of the time when the licenses required in this part shall be procured. The public notice required shall be in such form and to such extent as the Secretary of Finance deems necessary.

Approved July 3, 1971.

## CHAPTER 206

FORMERLY HOUSE BILL NO. 450  
AS AMENDED BY SENATE AMENDMENT NO. 1**AN ACT TO AMEND TITLE 26, DELAWARE CODE, BY  
ADDING A NEW SECTION THERETO RELATING TO THE  
DUTIES AND POWERS OF THE PUBLIC SERVICE COM-  
MISSION WITH RESPECT TO PUBLIC WATER SUP-  
PLIERS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 26, Delaware Code, by adding the following new section thereto:

**§ 142. Powers of Commission over public water suppliers**

(a) Notwithstanding any provision of this chapter to the contrary, the Commission may upon its own motion, in an emergency situation, or after hearing upon notice, by written order require any public water supplier to comply with the regulations adopted by the State Board of Health in conformance with Title 16, Delaware Code, Section 122, (3) (c).

(b) (1) The term 'public water supplier' as used in this section means any person that furnishes water for potable or domestic purposes for consumption in more than three dwelling units, or furnished water for potable or domestic purposes to employees, tenants, members, guests or the public at large in commercial offices, industrial areas, multiple dwellings or semi-public buildings, including, but without limitation, rooming and boarding houses, hotels, motels, tourist cabins, mobile home parks, restaurants, camps of all types, day and boarding schools, clubhouses, hospitals and other institutions, or for use in connection with the manufacture or handling of ice, dairy products, food or drink, or offers any water for sale for potable or domestic purposes.

(2) 'Person' shall include corporations, companies, associations, firms, municipally owned water utilities, partnerships, societies and joint stock companies, as well as individuals.

(3) 'Dwelling unit' means one or more rooms arranged for the use of one or more individuals as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

Approved July 3, 1971.

## CHAPTER 207

## FORMERLY HOUSE BILL NO. 456

**AN ACT TO AMEND CHAPTER 25, TITLE 30, DELAWARE CODE, RELATING TO LICENSE REQUIREMENTS FOR CONTRACTORS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 2502 (a), Chapter 25, Title 30, Delaware Code, is amended by striking the first sentence of said subsection (a) in its entirety and inserting in lieu thereof the following:

Any resident person desiring to engage in business in this State as a contractor shall obtain a license upon making application to the Division of Revenue and paying a fee of thirty dollars (\$30.00), proof of said license compliance to be made prior to, or in conjunction with, the awarding of a project to which he has been named.

Section 2. Section 2502 (b), Chapter 25, Title 30, Delaware Code, is amended by striking subsection (b) in its entirety and inserting in lieu thereof the following:

(b) Any nonresident person desiring to engage in business in this State as a contractor shall be subject to the same requirements as a resident contractor except that, in addition, a nonresident shall be required to obtain a license for each single project in which the gross amount of that project is in excess of \$1,000, said license to be obtained, and proof of said license compliance to be made prior to, or in conjunction with, the awarding of each single project to which he has been named; and shall, as a condition to obtaining a license for each such project, post a bond equal to double the amount of the gross payment under the contract for such project multiplied by the rate set forth in subparagraph (c) of this section. The bond required by this section shall be entered upon such terms and conditions as shall be set forth in the regulations promulgated by the Director of the Division of Revenue.

Approved July 3, 1971.

## CHAPTER 208

## FORMERLY HOUSE BILL NO. 457

**AN ACT TO AMEND CHAPTER 9, TITLE 4, OF THE DELAWARE CODE RELATING TO THE CONFISCATION OF VEHICLES USED IN THE TRANSPORTATION OF UN-TAXED ALCOHOLIC LIQUORS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 4, Section 906 of the Delaware Code, by striking subsection (c) thereof and substituting in lieu thereof a new subsection (c) to read as follows:

(c) In addition to the penalties provided by this section, any vehicle used to transport alcoholic liquor manufactured in violation of Section 905 of this title, shall be deemed confiscated and shall be delivered to, retained by and disposed of by the Commission as provided in Chapter 11 of this title. A vehicle used to transport alcoholic liquor in violation of other sections of this title shall be seized or confiscated under this provision only if it can be proved beyond a reasonable doubt that the transported alcoholic liquor was for use other than personal consumption by the person or his passengers transporting it. This section shall not apply to vehicles operated by common carriers over scheduled routes, or to vehicles in which the sale of alcoholic liquor is licensed.

Approved July 3, 1971.

CHAPTER 209

FORMERLY SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 312

**AN ACT TO AMEND §3314, TITLE 19, DELAWARE CODE,  
RELATING TO THE ELIGIBILITY OF UNEMPLOYED  
INDIVIDUALS TO RECEIVE UNEMPLOYMENT COMPEN-  
SATION BENEFITS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Subsection 4(b), Section 3314, Title 19,  
Delaware Code, by adding the following:

“except that no unemployed individual shall become in-  
eligible for benefits solely because he is receiving or has received  
from his former employer payments to which he became entitled  
by virtue of his employment contract effective upon his termina-  
tion because of lack of work.”

Approved July 5, 1971.

## CHAPTER 210

## FORMERLY SENATE BILL NO. 349

**AN ACT TO AMEND §4104, TITLE 11, DELAWARE CODE,  
RELATING TO A REFUND OF FINES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend §4104 (c), Title 11, Delaware Code, by striking the period at the end of the last sentence thereof and inserting in lieu thereof the following:

“or the certificate of the Deputy Administrator for the Justice of the Peace Courts acting as agent for the Chief Justice of the Supreme Court of the State of Delaware in verifying the final disposition of the case and stating that, the remittance of the fine or costs to such a person is proper.”.

Approved July 5, 1971.

CHAPTER 211

FORMERLY SENATE BILL NO. 350

**AN ACT TO AMEND SECTION 9611, TITLE 10, DELAWARE  
CODE, RELATING TO TRESPASS ACTIONS IN THE  
JUSTICE OF THE PEACE COURTS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Section 9611, Title 10, Delaware Code,  
by adding thereto a new subsection to read as follows:

“(c) Counterclaims, cross-claims and third party actions shall  
be permitted in accordance with the Civil Rules of the Justice of  
the Peace Courts in all civil actions.”

Approved July 5, 1971.

## CHAPTER 212

FORMERLY SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 358**AN ACT TO AMEND SUBCHAPTER III, CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO THE PRACTICE OF MEDICINE, SURGERY AND OSTEOPATHY, AND PROVIDING FOR THE RENDERING OF HEALTH SERVICES BY ASSISTANTS TO PHYSICIANS.**

WHEREAS, it has been recognized by physicians and by laymen that there is a shortage of medical personnel, and that many persons possess backgrounds and training which could qualify them for training as physician's assistants; and

WHEREAS, the introduction of the concept of a physician's assistant has been challenged as "practicing medicine" without the appropriate license; and

WHEREAS, it is the purpose of this Act to provide a means by which paramedical personnel, such as nurses, physician assistants and others performing limited medical services may be utilized in freeing physicians of time-consuming chores more easily handled by the paramedical personnel.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Subsection (d), Section 1731, Chapter 17, Title 24 of the Delaware Code, by adding thereto a new paragraph, designated as paragraph (6) which shall read as follows:

“(6) Any person from rendering medical, surgical, or health services, if such services are rendered by such person under the supervision and control of a physician or surgeon, licensed under this Chapter. Nothing herein shall be construed to change or modify legitimate practices currently prevailing in the practice of optometry or ophthalmology.”

Approved July 5, 1971.

## CHAPTER 213

## FORMERLY SENATE BILL NO. 361

**AN ACT TO AMEND TITLE 29, CHAPTER 70, DELAWARE CODE, RELATING TO SALE OF STATE OWNED MATERIEL.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. §7002, Chapter 70, Title 29, Delaware Code, is hereby repealed in its entirety, and the following is substituted in lieu thereof:

**“§7002. Sale of State-owned materiel**

All equipment, supplies and materiel, including vehicles, purchased in whole or in part with State appropriated funds shall be considered as assets of the State and not of the State Agency which holds or uses the materiel. When materiel so held or used is determined by a State agency to be in excess of its needs, it shall be reported by memorandum to the Department of Administrative Services for appropriate reallocation or disposal.

When determined by the Department of Administrative Services that items so reported by a State agency have additional useful life, four weeks written notice of the availability of such materiel shall be given to all State agencies by the Department of Administrative Services; requests for such items will be submitted in writing to the Secretary, Department of Administrative Services. In the event that two or more requests for such property are received, the Department of Administrative Services shall make an appropriate determination as to allocation.

In the event that no State agency submits a request for such materiel, within the prescribed four week period, the Department of Administrative Services shall arrange for movement of the materiel to an appropriate storage area for disposal action; if the quantity or size of the materiel makes removal unwarranted, the Department of Administrative Services will arrange for public sale or auction on site.

Notice of sales or auctions shall be advertised at least once a week for two consecutive weeks, in a Delaware newspaper circulated in each County of the State, and the materiel sold to the highest bidder; however, if the anticipated proceeds of the sale are expected to be equal to or less than the cost of handling and advertising, the advertising requirement may be waived at the discretion of the Secretary of Administrative Services. Any materiel remaining after offering at public sale or auction shall be disposed of by the Department of Administrative Services in the best interest of the State. All proceeds from such sales shall be deposited with the State Treasurer."

Section 2. This Act shall become effective ninety days after the Governor shall have affixed his signature thereto.

Approved July 5, 1971.

## CHAPTER 214

## FORMERLY SENATE BILL NO. 383

**AN ACT TO AMEND TITLE 29, DELAWARE CODE, CHAPTER 68, REFERRING TO THE POWERS AND DUTIES RELATING TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES, DIVISION OF PURCHASING.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 29, Delaware Code, Chapter 68, Section 6801, is hereby amended by adding the following definition:

“Local Government Unit” shall be any municipality incorporated in this State under the authority of the General Assembly and any of the three (3) counties.

Section 2. Title 29, Delaware Code, Chapter 68, is hereby amended by striking Section 6810 in its entirety and inserting in lieu thereof a new Section 6810 which shall read as follows:

**§ 6810. Powers and duties relating to Department of Administrative Services, Division of Purchasing**

The Department may—

(a) inaugurate a system of central purchasing for those agencies of the State and those local government units desiring to participate;

(b) serve as a clearing house for information on central or joint purchasing by two (2) or more agencies of the State or local government unit;

(c) with the consent of any State agency or local government unit, act as the purchasing and contracting agent for such State agency or local government unit for the purchasing of supplies or obtaining of contractual services;

(d) collect and furnish to any State agency or local government unit market prices and such other information as will be usable in purchasing;

(e) serve as a clearing house for information on bids for supplies, materials or contractual service for State agencies or local government units;

(f) perform such other services and duties as may encourage the most economical purchasing by State agencies or local government units.

Section 3. Title 29, Delaware Code, Chapter 68, is hereby amended by striking Section 6811 in its entirety and inserting in lieu thereof a new Section 6811 which shall read as follows:

**§ 6811. Service charges**

The Secretary of Administrative Services may charge any agency of this State or local government unit, for which the Department makes purchases or to which it distributes materials, a reasonable service charge.

Section 4. Title 29, Delaware Code, Chapter 68, is hereby amended by striking Section 6812 in its entirety and inserting in lieu thereof a new Section 6812 which shall read as follows:

**§ 6812. Payment by State Agencies**

Any State agency or local government unit for which the Department makes purchases or supplies contractual services shall pay to the Department the cost of such purchases or services.

Section 5. Title 29, Delaware Code, Chapter 68, is hereby amended by striking Section 6813 in its entirety and inserting in lieu thereof a new Section 6813 which shall read as follows:

**§ 6813. Special fund**

The Secretary of Finance shall maintain, in the name of the Department of Administrative Services, a special revolving account. There shall be deposited in the special account all monies and credits received from other State agencies or local government units. Funds shall be expended from the special account for the costs of handling and distribution of materials and the cost of supplies and contractual services purchased for or supplied to another State agency or local government unit. Whenever the

Department of Administrative Services and the Budget Director determine that the special account contains a surplus, the surplus shall be turned over to the General Fund of the State.

Approved July 5, 1971.

## CHAPTER 215

FORMERLY SENATE BILL NO. 393  
AS AMENDED BY SENATE AMENDMENT NO. 1  
AND  
HOUSE AMENDMENT NOS. 1 AND 3

AN ACT TO AMEND CHAPTERS 1, 3, 11, 13, 15, 17, 20, 31, 45, 47, 49, 55, 57 AND 73, TITLE 15, DELAWARE CODE, RELATING TO DEPARTMENTS OF ELECTIONS; STATE ELECTION COMMISSIONER; REGISTRATION OF VOTERS; REGISTRATION RECORDS, SUPPLIES AND PLACES; REGISTRATION OFFICERS; REGISTRATION PROCEDURE; CENTRAL AND MOBILE REGISTRATION; REGISTRATION FOR CERTAIN SICK AND DISABLED PERSONS; PRIMARY ELECTIONS; BALLOTS, ELECTION SUPPLIES AND POLLING PLACES; ELECTION OFFICERS; CONDUCT OF ELECTIONS; ABSENTEE VOTING; CANVASS OF VOTE AND PROCLAMATION OF RESULTS OF ELECTION; AND NOTICE TO THE PUBLIC FOR SPECIAL ELECTION TO FILL VACANCY IN OFFICE OF REPRESENTATIVE IN CONGRESS.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 15, §120 (a), Delaware Code, is hereby amended by inserting the word "actively" after the word "time" and before the word "participate" where they appear therein.

Section 2. Title 15, §302 (b), Delaware Code, is hereby amended to read as follows:

"(b) The salary of the State Election Commissioner shall be determined by the Governor and shall be no less than \$12,000 and no more than \$16,000 per year."

Section 3. Title 15, §303 (10) (b), Delaware Code, is hereby amended by striking the period at the end thereof and inserting in lieu thereof the following:

"only in the event of a tie."

Section 4. Title 15, §305, Delaware Code, is hereby amended by adding thereto a new subsection to read as follows:

“(d) The Commissioner shall prepare poll lists double spaced and containing a space for the clerks to check off the names of the voters who cast their ballot, and the name, address, significant code number and social security number (if available) of each qualified elector in the district. The lists are to be delivered to the respective Department of Elections no later than five (5) days prior to the election.”

Section 5. Title 15, §1106, Delaware Code, is hereby amended to read as follows:

“Each department within the ten (10) days prior to the first day set for the purpose of registration in the several election districts in each general election year shall give public notice of this registration by advertisement or by suitable news media.”

Section 6. Title 15, §1306, Delaware Code, is hereby amended by adding the following new subsection thereto:

“(e) Whenever facilities owned or leased by agencies of this State have been designated as registration places, it shall be the duty of the officials of such agencies to see to it these facilities are available so long as use under this section is not incompatible with the primary function of the agency.”

Section 7. Title 15, §1501, Delaware Code, is hereby amended to read as follows:

**§ 1501. Appointment; qualifications; recommendations of political parties**

(a) Each Department shall in the month of April of each general election year appoint for each election district in its county three (3) capable persons, who are qualified electors in the representative district in which the election district is located. One person shall be designated as Registrar and shall also be the person appointed Inspector of Elections under Section 4701 of this title. The two (2) others shall be designated Assistant Registrars and shall be the same persons named to serve as Judges of Election under Section 4701 of this title. One of the Assistant Regis-

trans-Judges shall be registered in the same political party as the Registrar-Inspector, while the other shall be of the other principal political party. The total number of Registrar-Inspectors in each representative district shall be divided between the two (2) political parties as equally as possible at all times. Whenever possible, the total number of Registrar-Inspectors within each county shall be divided equally between the two (2) principal political parties, or as equally as possible.

(b) The County Executive Committee of each of the two (2) principal political parties shall submit to the Department no later than February 1, of each general election year a list containing the names of eight (8) properly qualified persons for each election district in the county. The Department shall make the appointments of all registration and election officers, including Clerks, (provided in this section and Section 4701 of this title), from these lists. If the lists are not filed with the Department by February 1, or if the number of names submitted are not sufficient, the Department shall select some qualified person or persons shown on its records to be registered in the appropriate political party.

Section 8. Title 15, §1503, Delaware Code, is hereby amended by striking the words "the first Tuesday in July next after their appointment and shall continue for two years thereafter," where they appear therein and inserting in lieu thereof the words "the day of their appointment and shall continue until April 1 of the following general election year,".

Section 9. Title 15, §1504, Delaware Code, is hereby amended by deleting the words "Registrar, Assistant Registrar, or Alternate Registrar." where they appear therein and inserting in lieu thereof the following words: "Registration and/or Election Officers, including Clerks of Election.".

Section 10. Title 15, §1704, Delaware Code, is hereby amended by striking the number "five (5)" where it appears in the second sentence of the second paragraph thereof and inserting in lieu thereof the number "seven (7)".

Section 11. Title 15, §1706 (c), Delaware Code, is hereby amended by striking the words "to the President of the Department" where they appear in the second paragraph thereof and

inserting in lieu thereof the words "at the Department office no later than September 15 of each year of a general election".

Section 12. Title 15, § 1706 (e), Delaware Code, is hereby amended by striking the first paragraph of this subsection in its entirety and inserting in lieu thereof the following:

"When the motion is made first to the Department, the person making such motion need not notify the person affected. Upon receipt of the motion, the Department shall notify the person or persons affected, in accordance with Section 1711 of this title, of the date and hour when the motion will be heard and shall also set forth the reason for the motion and the name of the person or persons making the motion. The person or persons making the motion shall also be notified, in accordance with Section 1711 of this title, to appear at the date and hour when the motion is to be heard.

The Board of Elections shall sit to hear and examine into the matter, requiring sworn testimony of all witnesses, within sixty (60) days of the filing of the motion. However, in all cases, the Board shall conclude action on any such motion no later than ten (10) days prior to the last registration day."

Section 13. Title 15, § 1710, Delaware Code, is hereby amended to read as follows:

**§ 1710. Notice of change of election district boundary**

When the boundaries of any election district shall have been changed, the Department of the county in which the district is located shall notify each of the affected voters by mail.

Section 14. Title 15, § 1711, Delaware Code, is hereby amended by deleting the words "the Wednesday next" where they appear therein and inserting in lieu thereof the words "seven (7) days".

Section 15. Title 15, § 1742 (b), Delaware Code, is hereby amended by striking it in its entirety and inserting in lieu thereof the following:

"(b) Upon receipt of such application for registration, the

Department shall, within two (2) days thereafter, mail a copy of the application to the county wherein the applicant formerly resided, and such department, upon receipt of such application, shall immediately cause the registration records of such applicant to be forwarded to the department in the county wherein he now resides.

Upon receipt of the registration records, the department shall compare the information, and, if satisfied it is the same person, the department shall cause the application to be stamped 'Inter-County Transfer' and forwarded to the Election Commissioner in the usual manner. The original and duplicate registration cards which have not been completed shall be destroyed."

Section 16. Title 15, Chapter 20, §§ 2005, 2006, 2007, 2008, and 2009, constituting Subchapter II, Delaware Code, are hereby amended by striking these sections in their entirety and inserting in lieu thereof the following sections to be known as Subchapter II:

## **SUBCHAPTER II. MOBILE REGISTRATION**

### **§ 2002. Conduct of mobile registration**

The Department of Elections for each county shall conduct mobile registration throughout its county by causing Traveling Registration Officers to sit for the purposes of registration of voters at locations and times most convenient for the residents of that county, giving due public notice of these sittings. These Traveling Registration Officers shall visit each Senatorial District of the county during the thirty (30) days preceding the last day for registration.

### **§ 2003. Authority and duties of Traveling Registration Officers**

The Traveling Registration Officers shall have all the powers that are vested in and shall be required to perform all those duties that are imposed upon registration officers generally by this title, consistent with the provisions of this chapter. Before entering upon their duties, they shall take and subscribe to the oath required of other registration officers and be suitably instructed. Their compensation shall be fixed by the Department appointing them and they shall serve at its pleasure.

**§ 2004. Conduct of mobile registration**

Traveling Registration Officers shall conduct their duties in units of two (2) or more officers, there being one (1) officer appointed from each of the two (2) principal political parties present at all times. Registration of qualified electors who appear before these officers shall be conducted in the same manner and under the same provisions of this title as in the several election districts, with right of appeal and challenge in all cases.

**§ 2005. Appointment of Traveling Registration Officers**

The Department of Elections for each county shall appoint Traveling Registration Officers for its county no later than February of each general election year, or one (1) week prior to the first day designated for mobile registration, whichever is sooner. Such officers shall be qualified electors of the county from which appointed and shall be equally divided between the two (2) principal political parties. The County Executive Committee of each of these two (2) parties, within thirty (30) days after written request by the Department of Elections, shall furnish the Department a list of five (5) names of properly qualified persons for each position to be filled. The Department shall make its appointments from among those named on these lists. If the lists are not furnished or if the number of qualified persons named on the lists is insufficient, the Department shall appoint some suitable elector or electors of the required political affiliation to fill the vacancies.

Section 17. Title 15, §2012, Delaware Code, is hereby amended by striking the word "September" where it appears therein and inserting in lieu thereof the word "October".

Section 18. Title 15, §3107, Delaware Code, is hereby amended by adding a new Subsection (f) which shall read as follows:

"(f) Any notification required by this section shall include the signature of each candidate, together with his proper and correct name, typed or printed, and the address from which he is registered to vote."

Section 19. Title 15, §3110, Delaware Code, is hereby

amended by striking it in its entirety and inserting in lieu thereof the following:

**§ 3110. Public notice of time and place**

Notice of all primary elections shall be given either by suitable news media or by publishing the same each day for five (5) days before the time of holding same, in one (1) or more daily newspapers printed in the county in which the primary election shall be held, or in the issues of two (2) weekly newspapers printed in the county next before the time of holding primary elections, in case no daily newspaper is published in the county.

Section 20. Title 15, §4516, Delaware Code, is hereby amended by adding thereto the following paragraph:

“Each Department shall furnish to each of its election districts a map of the representative district in which it is located, of sufficient size to show clearly the boundaries of its election districts and the location of the polling places. Each election district shall also be provided with a list of all election districts and polling places within its respective county.”

Section 21. Title 15, §4518, Delaware Code, is hereby amended by adding a new paragraph (e) to read as follows:

“(e) Whenever facilities owned or leased by agencies of this State have been designated as polling places, it shall be the duty of the officials of such agencies to see to it these facilities are available so long as use under this section is not incompatible with the primary function of the agency.”

Section 22. Title 15, §4519, Delaware Code, is hereby amended by striking the last sentence therein and inserting in lieu thereof the following:

“In such event, sufficient public notice thereof shall be given by suitable news media.”

Section 23. Title 15, Chapter 47, Delaware Code, is hereby amended by striking the title “Subchapter 1. Inspector and Judges of Election” and inserting in lieu thereof the title “Subchapter 1. Appointment of Election Officers”.

Section 24. Title 15, §4701, Delaware Code, is hereby amended by deleting it in its entirety and inserting in lieu thereof the following:

**§ 4701. Appointment; term**

(a) During the month of April in each general election year, each Department of Elections shall appoint for each election district in its county an Inspector of Elections, who shall be the same person as appointed Registrar under Section 1501 of this title, and two (2) Judges of Election, one (1) from each of the two (2) principal political parties, who shall be the same persons as appointed Assistant Registrars.

These appointments shall be made at the same time as the appointment of registration officers and shall be governed by the provisions set forth in Sections 1501, 1504, 1507 and 1508 of this title. The term of office shall be the same as that for their service as registration officers.

(b) At the same time as the officers mentioned in subsection (a) of this section are appointed, the Department shall also appoint for each election district two (2) Clerks of Election, one (1) from each of the two principal political parties. Each Clerk shall be a qualified elector of the election district for which he is appointed. The appointments shall be made from the lists of names supplied by the political parties, as provided in Section 1501 (b) of this title. The terms of the Clerks of Election shall extend from the day of their appointment to April 1 of the next general election year. They shall appear before the Department to qualify by taking and subscribing to the prescribed oath (or affirmation) and by receiving suitable instruction in the manner provided for all officers in Section 1507 and 1508 of this title, except that in taking the oath (or affirmation) the words "Clerk of Elections" shall be substituted for the words "Registration and Election Officer".

Whenever an election district is to be provided more than one (1) voting machine, two (2) additional clerks, one (1) from each principal political party, shall be appointed for each additional voting machine. These additional appointments shall be made in April whenever the number of additional voting machines are known to the Department. Subsequent additional appointments

shall be made as soon as practicable after the Department determines the need for additional voting machines in an election district.

Section 25. Title 15, §4704, Delaware Code, is hereby repealed in its entirety.

Section 26. Title 15, §4707, Delaware Code, is hereby amended by deleting it in its entirety and inserting in lieu thereof the following:

**§ 4707. Compensation**

(a) Each Inspector of Election shall be paid Thirty Dollars (\$30) for each day's service in holding any general, primary or special election, plus Five Dollars (\$5) for delivering the election records and supplies to the Department the night of election day and Five Dollars (\$5) for overseeing preparation of the polling place prior to election day.

(b) Each Judge of Election shall be paid Thirty Dollars (\$30) for each day of an election.

(c) Each Clerk of Election shall be paid Twenty-five Dollars (\$25) for each day of an election.

(d) Each of these officers shall also be paid Five Dollars (\$5) for each day's service in performing any duty required to be performed on a day other than the day of an election, except as heretofore or otherwise provided.

Section 27. Title 15, §4731, Delaware Code, is hereby repealed in its entirety.

Section 28. Title 15, §4733, Delaware Code, is hereby repealed in its entirety.

Section 29. Title 15, §4734, Delaware Code, is hereby repealed in its entirety.

Section 30. Title 15, §4738, Delaware Code, is hereby repealed in its entirety.

Section 31. Title 15, §4739, Delaware Code, is hereby repealed in its entirety.

Section 32. Title 15, Chapter 47, Delaware Code, is hereby amended by striking the words "SUBCHAPTER II. CLERKS OF ELECTION" where they appear therein.

Section 33. Title 15, Chapter 47, Delaware Code, is hereby amended by striking the words "SUBCHAPTER III." where they appear before Section 4741 thereof and inserting in lieu thereof the words "SUBCHAPTER II."

Section 34. Title 15, §4901, Delaware Code, is hereby amended by striking it in its entirety and inserting in lieu thereof the following:

#### § 4901. Notice of election

Notice of an election shall be given by suitable news media and/or by publishing the same at least five (5) days prior to any election.

Section 35. Title 15, Chapter 49, Delaware Code, is hereby amended by adding a new section thereto to read as follows:

#### § 4947. Residency of voter

If a vote is objected to for the reason that the person does not meet the residency requirements of Article V, Section 2, Constitution of the State of Delaware, the following rules shall apply:

(1) If any person, having resided within this State, actually moves outside this State with an intention of remaining there for an indefinite time, as a place of present domicile, he shall lose his qualification of residence within this State, notwithstanding he may entertain a floating intention to return at some future period.

(2) The above principal shall also apply to determining the domicile of persons moving from one place to another within this State. However, if any such person shall have changed his residence to another election district in the same county within the thirty (30) days immediately preceding the day of election, he

shall be considered a resident of the election district from which he has moved for the purpose of voting.

Section 36. Title 15, § 4949 (a), Delaware Code, is hereby amended by adding to this subsection the following sentence:

“No political headquarters or gathering shall be permitted within that building during the conduct of the election.”

Section 37. Title 15, § 4976 (b), Delaware Code, is hereby amended by striking this subsection in its entirety and inserting in lieu thereof the following:

“(b) The Election Officers shall record the number of all disqualified or disputed ballots on the certificate of elections in the space provided thereon. They shall record on each absentee ballot tally sheet the name and permanent significant registration number of each person whose ballot was disqualified or disputed, with the reason therefor. In any contest of election, any such ballots and envelopes may be submitted in evidence.”

Section 38. Title 15, § 5518, Delaware Code, is hereby amended by adding thereto a new Subsection (c) which shall read as follows:

“(c) Whenever a ballot has not been counted but has been rejected for any reason, the Election Officers shall make the required notation on the absentee ballot tally sheet and shall note the number of ballots so rejected on the certificates of election.”

Section 39. Title 15, § 5702, Delaware Code, is hereby amended by adding a paragraph thereto which shall read as follows:

“Receive from the Department of Elections for its county a report of the number of absentee ballots delivered to each election district and determine that all these ballots have been recorded on the certificates of election for each election district, either in the total number of ballots counted or in the ballots rejected.”

Section 40. Title 15, § 7304, Delaware Code, is hereby amended by striking it in its entirety and inserting in lieu thereof the following paragraph:

**§ 7304. Notice to the public**

Each Department of Elections shall, within ten (10) days after receiving a writ, advertise by suitable news media or by publishing the same each day for at least five (5) days, in one or more daily newspapers printed in the county or in the issues of two (2) weekly newspapers, in case no daily newspaper is published in the county. Such notice shall state the day and place of the election and the officer to be chosen.

Section 41. Section 1751, Title 15, Delaware Code, is hereby amended by striking the words 'until the third Tuesday in June' as they appear therein and inserting in lieu thereof 'through the day of the final primary election'.

Section 42. Section 1901 (a), Title 15, Delaware Code, is hereby amended by striking the words 'during all of each year in which a general election is to be held in this State and up until 10 days prior to the date of such general election,' as they appear therein and inserting in lieu thereof 'until 10 days prior to the date of any general election,'.

Section 43. Section 1906 (a), Title 15, Delaware Code, is hereby amended by striking the words 'during the year in which a general election is to be held in this State' as they appear therein.

Section 44. Section 4105 (a), Title 15, Delaware Code, is hereby amended by striking the figure '300' as they appear therein and inserting in lieu thereof the figure '500'.

Approved July 5, 1971.

CHAPTER 216

FORMERLY SENATE BILL NO. 412  
AS AMENDED BY SENATE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 8, DELAWARE CODE, SECTIONS  
375 AND 502, RELATING TO FAILURE OF CORPORATIONS  
TO FILE ANNUAL REPORTS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each House thereof concurring therein):*

Section 1. Section 375, Title 8, Delaware Code, is amended by deleting the word "shall" as it appears between the words "Secretary of State" and the word "investigate" and substituting therefor the words "may, in his discretion,".

Section 2. Amend Subsection (e), Section 502, Chapter 5, Title 8 of the Delaware Code, by striking the word "shall" and substituting in lieu thereof the words "may, in his discretion,".

Approved July 5, 1971.

## CHAPTER 217

FORMERLY SENATE BILL NO. 418  
AS AMENDED BY  
SENATE AMENDMENT NO. 2  
AND  
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 29, CHAPTER 79, DELAWARE CODE, BY PROVIDING FOR A UNIFORM METHOD OF CHARGING AND COLLECTING FEES FOR CERTAIN SERVICES PROVIDED BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES AND ALLOWING FOR THE DISCLOSURE OF INCOMES OF PERSONS HAVING OBLIGATIONS TO THE DEPARTMENT.**

WHEREAS, it is in the public interest to assure proper treatment of persons with chronic illness, mental disorders, contagious diseases such as tuberculosis, chronic pulmonary diseases, and other health deficiencies; and

WHEREAS, it is in the public interest to assure that facilities are available for the care of elderly and for the care of the mentally retarded; and

WHEREAS, it is also in the public interest to assure that persons who accept such services as may be provided by the State and who have the ability to pay all or some part of the costs, or whose relatives have such ability, should be expected to do so; and

WHEREAS, the failure of those able to pay for services rendered by the State restricts the financial resources of the State in providing these services for others less fortunate.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 29, Chapter 79, Delaware Code, is hereby amended by adding the following thereto:

**§ 7940. Financial liability of persons served by the Department**

(a) Any person committed to or accepting the services of any hospital, home, clinic or other facility of the Department and his spouse, parents, or children in the order named, except for persons committed to a prison or correctional institution, shall at all times be jointly and severally liable for the full cost of the care and/or treatment provided him, except as may be specifically set forth in this section. No person other than the patient shall be required to pay all or any part of the cost of care of any patient if such patient shall have attained the age of twenty-one years and shall have been a patient in one or more of the institutions served by the Department for a period of five years.

(b) The "cost of care and/or treatment" per diem for an in-patient facility such as, but not limited to, a hospital or home shall be deemed to mean the total disbursements made by or on behalf of such facility during a fiscal year divided by the number of patient-days during such fiscal year; such cost shall be computed on the experience of the previous fiscal year and the revised rate shall be charged beginning on the first day of the fourth month following the end of said fiscal year. In the event the in-patient facility has not been operational during the previous fiscal year, the "cost of care and/or treatment" shall be the amount determined by the Department within the guideline of available appropriations and anticipated patient-days. In the event an in-patient facility provides services that have substantially different costs, and such different costs may be reasonably identified, the Department may determine the "cost of care and/or treatment" based upon the particular service provided. In the case of out-patient or clinic services, the "cost of care and/or treatment" shall be determined by the Department based upon the most recent available experience of actual cost.

(c) The Department is authorized and empowered to accept partial payments from any person committed to, or accepting the services of, any hospital, home, clinic or other facility of the Department, or from any other person liable for the cost of such person, in an amount less than the full cost of care and/or treatment based upon the financial ability of such person or persons as determined by the Department. In determining financial ability to pay, the Department shall take into account the assets, liabilities, income, expenses, number of dependents of the

entire family, and any other relevant factors. The Department shall also promulgate such rules and regulations under subsection (j) hereof as may be necessary to insure that the enforcement of this obligation shall be as uniform as possible.

(d) Except in cases committed by order of the courts of the State of Delaware, the Department may require, before or after the patient is admitted or treated, the written agreement of those persons to receive or receiving care and/or treatment from the Department, and of those other persons who are liable under the provisions of this section, concerning the payments required by this section. Such agreements may be reviewed from time to time at the request of the Department or the person liable and in any event shall be automatically reviewed at least once every two years and may be amended if the cost of care and/or treatment has changed or if the ability to pay of person liable has changed in the judgment of the Department. The Department may require the person to receive or receiving care and/or treatment or from persons liable for the cost of care and/or treatment under this section such evidence of ability to pay as copies of Federal Income Tax Returns, tax withholding forms, and statements of bank accounts and property holdings; failure to provide such evidence may be grounds to refuse or terminate such care and/or treatment. Except in the case of the Delaware Home and Hospital for the Chronically Ill at Smyrna, such evidence of ability to pay shall not be required of liable persons if they agree to pay the full cost of care and/or treatment and so long as such payments are timely rendered.

(e) Any court of this State committing a person to the jurisdiction of the Department, may, in its discretion, order said person, and such other persons liable for the payment of costs under this section over which the court has jurisdiction, to pay for the cost of care and/or treatment in such amounts as may be fixed by the Department under the provisions of the act.

(f) The Department, after full investigation of collectibility and/or reasons for nonpayment, shall proceed for the recovery of the monies owed for such care and/or treatment in an action to be brought in any court of the State in the name of the Department, where such action is deemed justified. The Department of Justice of the State of Delaware shall represent the Department in such cases and any costs to the State arising from such action shall be

paid by the State Treasurer from monies in the General Fund not otherwise appropriated.

(g) The Department may partially or totally waive liability for persons receiving services from a facility such as, but not limited to, a clinic when the Department determines that the cost of computing ability to pay and making collection would exceed the sums to be collected or when the Department determines that such liability would jeopardize the health of the community.

(h) In the event any person, juvenile or adult, is committed to a prison or correctional institution, and in the event a court of this State has not ordered payment of the full cost of care, the Department may require such payments from such juvenile or adult while on a work release or similar program as it may deem appropriate provided that the total payment shall not exceed the actual cost of care while on the work release program.

(i) The Delaware Home and Hospital for the Chronically Ill at Smyrna and any similar facility of the Department may continue, as heretofore, to refuse admission to persons adjudged to have adequate resources, either personally or from others legally liable for them, to secure such services from private facilities.

(j) The Secretary of the Department shall have the power to promulgate any rules and regulations not contrary to the laws of the State of Delaware which he deems necessary to carry out the provisions of this section and such rules and regulations shall have the full force and effect of law.

(k) If it appears to the satisfaction of the Department that a person to receive or receiving care and/or treatment will be institutionalized for a long period of time and that the expected income of such person from all sources (including any portion of the cost of care to be paid by legally liable relatives) will be insufficient to pay for the full cost of care, the Department may require that all or part of the assets of such person be transferred and conveyed to the State of Delaware to be applied to his cost of care as the same shall come due, any balance thereof to be returned to such person or his estate upon his discharge or death. In carrying out this provision, the Department may bring suit in any court having jurisdiction to require the transfer of such assets,

and may also apply for the appointment of a guardian or trustee of such person, and if the Court, after giving appropriate notice and after hearing the evidence, shall enter such order as it deems appropriate.

(l) Nothing herein contained shall be construed to prevent the Department from refusing to admit or from discharging any patient who, for reasons other than nonpayment of cost of care, in the opinion of the Department, does not qualify for admission under the law or who will not benefit from the treatment available, or whose presence in any such institution will be detrimental to others.

(m) In the event that any person feels aggrieved by any decision of the Department with respect to the payment of fees, refusal of admission or discharge for other than medical reasons, he may appeal to a special appeals committee consisting of the chairmen of the respective advisory councils on Mental Retardation, Mental Health, Delaware Home and Hospital, and Physical Health by petition in writing stating the substance of the decision appealed from, the facts in support of the appeal and the relief sought. The Department shall reply within ten (10) days after which the committee shall hold a hearing within sixty (60) days and render its decision promptly which shall be final and binding. No formal rules of evidence shall be applicable at such hearing and the committee may establish its own rules not inconsistent herewith.

#### **§ 7941. Disclosure of income**

Notwithstanding the provisions of Section 1241, Title 30, Delaware Code, the Secretary of Finance shall, upon the written request of the Secretary of the Department of Health and Social Services, provide the Secretary with the gross and net income, as defined in Chapter II of said Title 30, and all other available financial data concerning those persons who are liable under the provisions of this section for payments for the care and/or treatment of any persons in facilities operated by the Department of Health and Social Services and who are not paying the full cost of such care and/or treatment monthly. The Secretary shall certify that information so received shall be used only for the purpose of collecting sums due the State of Delaware and any employee of the Department guilty of disclosing such information for any

other purpose shall be subject to the same penalties as provided in Section 1241, Title 30, Delaware Code.

Section 2. Any provisions of the Delaware Code inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Section 3. The provisions of this Act are severable and any such provision determined to be unconstitutional shall be null and void and all other provisions shall continue in full force and effect.

Approved July 5, 1971.

## CHAPTER 218

## FORMERLY SENATE BILL NO. 442

**AN ACT TO AMEND SECTION 5123, TITLE 16, DELAWARE CODE, RELATING TO VOLUNTARY HOSPITALIZATION AND DISCHARGE OF PATIENTS UNDER THE AGE OF 21 AT DELAWARE STATE HOSPITAL.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5123, Title 16, Delaware Code, is hereby amended as follows: In sub-section (c) thereof by repealing the last eight words thereof and substituting the following in lieu thereof: "either of his parents, his spouse, or his legal guardian"; in sub-section (e) thereof by repealing the last three words thereof and substituting the following in lieu thereof: "parent, spouse or guardian."

Approved July 5, 1971.

CHAPTER 219  
FORMERLY HOUSE SUBSTITUTE NO. 1  
FOR  
HOUSE BILL NO. 95

**AN ACT TO AMEND TITLE 22, DELAWARE CODE, RELATING TO PUBLIC BIDDING FOR PURCHASES BY PARKING AUTHORITIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 510, Title 22, Delaware Code, by striking subsection (a) thereof and inserting in lieu the following:

(a) The procurement of materiel and the award of contracts for construction, repairs or work of any nature made by any authority shall be subject to the provisions of Chapter 69, Title 29, Delaware Code.

Section 2. Section 510, Title 22, Delaware Code, is amended by striking subsections (b), (c), and (e) of said section in their entirety.

Section 3. Amend Section 510, Title 22, Delaware Code, by redesignating subsection "(d)" as subsection "(b)" and by redesignating subsection "(f)" as subsection "(c)".

Approved July 5, 1971.

## CHAPTER 220

FORMERLY HOUSE BILL NO. 252  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1  
AND SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 11, TITLE 16 OF THE  
DELAWARE CODE RELATING TO SANITORIA, REST  
HOMES, NURSING HOMES, BOARDING HOMES AND  
RELATED INSTITUTIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 1101, Chapter 11, Title 16 of the Delaware Code, by striking the word "four" as the same appears near the end of said Section, and substituting in lieu thereof the word "one".

Section 2. Section 1101, Chapter 11, Title 16, Delaware Code, is amended by striking the word "persons", as the same appears in line 5 of said section, and substituting in lieu thereof the word "person".

Section 3. Section 1101, Chapter 11, Title 16, Delaware Code, is amended by adding the following sentence at the end of said section:

The word person shall not include mother, father, sister, brother, niece, nephew, mother-in-law, father-in-law, sister-in-law, or brother-in-law of any individual operating a facility under this chapter.

Section 4. There is hereby appropriated the sum of Seventeen Thousand Dollars (\$17,000) to the State Board of Health of the Department of Health and Social Services to carry out the provisions of this Act. This shall be a supplemental appropriation for the fiscal year 1972 and shall be paid from funds not otherwise appropriated.

Section 5. This Act shall become effective January 1, 1972.

Approved July 5, 1971.

CHAPTER 221

FORMERLY HOUSE BILL NO. 281  
AS AMENDED BY  
SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 47, TITLE 9, DELAWARE  
CODE, RELATING TO GARBAGE COLLECTION IN UN-  
INCORPORATED AREAS OF KENT COUNTY.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 47, Title 9, Delaware Code, by adding thereto a new subchapter to be designated as subchapter 11 which shall read as follows:

**SUBCHAPTER 11. GARBAGE COLLECTIONS; UN-  
INCORPORATED AREAS**

**§ 4720. Definitions**

“Garbage” means residential garbage and trash to the exclusion of commercial and industrial refuse.

“Garbage Collection Unit” means each improved parcel of real estate located within the boundaries of a garbage collection district and either used or intended for residential purposes.

“Garbage Collection District” means an area in Kent County outside of the limits of any incorporated municipality and which is contained within ascertainable boundaries and which is in the opinion of the Levy Court susceptible of efficient and economical garbage collection pursuant to the procedures of this subchapter.

**§ 4721. Petition**

Twenty-five (25) real property owners of any area in Kent County contained within ascertainable boundaries and lying outside the limits of any incorporated municipality may petition the Kent County Levy Court to declare the area a garbage collection district. The petition shall set forth the boundary lines of the proposed garbage collection district and shall be filed on or

before the first Tuesday in any month in any year with the Clerk of the Peace of Kent County.

#### **§ 4722. Public hearing**

Upon receipt of the petition, the Levy Court shall hold a public hearing, notice of which shall be published at least once in a newspaper published within the county. Said notice shall be published not more than twenty-one (21) and at least fourteen (14) days before the public hearing and shall contain a description of the boundaries of the proposed garbage collection district; and a statement that the Levy Court will hold a hearing to consider whether or not to create the proposed disposal district. The notice shall also state that in the event the Levy Court decides to create the proposed garbage disposal district, the Levy Court will contract for garbage collection and assess the unit costs of garbage collection against each unit of real property used or intended for residential purposes within the garbage collection district.

#### **§ 4723. Creation of Garbage Disposal District**

After the public hearing, the Levy Court shall determine whether or not it is in the public interest to create the proposed garbage collection district. If the Levy Court determines that it is in the public interest to create the proposed garbage collection district, it shall pass a resolution to that effect.

#### **§ 4724. Contracts**

The Levy Court may enter into a contract with any private or public garbage collector to collect the garbage of each garbage collection unit located within the garbage collection district. The mere creation of a garbage collection district pursuant to §4723 of this title shall not obligate the Levy Court to enter into a contract hereunder if in its opinion the bids received pursuant to §4725 of this title are too costly.

#### **§ 4725. Bids**

No contract for garbage collection shall be awarded unless the Levy Court shall publicly invite sealed bids by at least fourteen (14) days' notice in a newspaper published within the county. Bids so obtained shall be publicly opened and awarded to the lowest

responsible bidder except that the Levy Court may reject any or all bids. The Levy Court may in its specifications include reasonable qualifications for bidders in respect to equipment.

#### **§ 4726. Levy and collection of Garbage Collection Tax**

(a) In order to pay the annual contract cost for any garbage collection contract entered into pursuant to Section 4724 of this title, the Levy Court shall divide the annual contract cost by the number of garbage collection units within the garbage collection district to arrive at the annual unit cost. The annual unit cost shall then be assessed against each garbage collection unit located within the boundaries of the garbage collection district. No parcel of real estate shall be exempt from paying its annual unit cost because it is uninhabited so long as it is improved and intended for residential use. No parcel of real estate so improved and intended for residential use shall be exempt from paying its annual unit cost because its owner chooses not to use the garbage collection service.

(b) The annual unit cost assessed against each garbage collection unit shall be levied and collected by the Board of Assessment, Levy Court and Receiver of Taxes and County Treasurer at the same time and in the same manner as other county taxes and shall be a lien on real property the same as other county taxes. The tax shall be included on the county tax bills under the heading "garbage collection tax".

#### **§ 4727. Administration of funds**

All amounts collected pursuant to this subchapter shall be paid into the general fund of Kent County and all payments for garbage collection shall be paid out of the general fund of Kent County. Should Kent County fail in any one year to collect all of the taxes in the garbage collection district necessary to pay the contract price for garbage collection in any year, the Kent County Levy Court may pay the deficit out of the general fund pending enforcement of the tax lien. The Levy Court may make payments out of the general fund in anticipation of collection of the garbage collection tax.

#### **§ 4728. Annual re-bidding of trash contracts**

The contracts for garbage collection for all garbage collection

districts serviced pursuant to this subchapter shall be re-bid annually in accordance with Section 4725 of this Title. The duration of garbage collection contracts shall be for the county fiscal year except as provided in Section 4730(b) of this Title.

**§ 4729. Continuation and termination of trash contracts**

Once a garbage collection district has been formed and garbage collection undertaken pursuant to this subchapter, the Kent County Levy Court may, without further public hearings, annually enter into new contracts for garbage collection pursuant to Section 4728 of this Title. However, the Levy Court may determine not to continue garbage collection for any garbage collection district at the expiration of any annual contract entered into pursuant to this subchapter.

**§ 4730. Annual budgeting**

(a) The annual amounts required for garbage collection contracts entered into pursuant to the provisions of this subchapter shall be included in the annual budget request of the office of county engineer under separate headings for each garbage collection district. After levying the garbage collection tax, the Levy Court shall deliver a separate tax collection warrant together with a list of taxables for each garbage collection district to the Receiver of Taxes and County Treasurer commanding him to collect from the persons named in the said list their garbage collection tax and its amount.

(b) Should a garbage collection district be formed and a garbage collection contract awarded after the commencement of any fiscal year, the Levy Court shall include in the next annual budget an amount sufficient to reimburse the general fund for the expenditure during the last fiscal year as well as an amount sufficient to pay the contract cost for the coming fiscal year. Any contract awarded after the commencement of a fiscal year shall expire at the beginning of the next fiscal year.

Approved July 5, 1971.

## CHAPTER 222

**FORMERLY HOUSE BILL NO. 285  
AS AMENDED BY HOUSE AMENDMENTS NO. 2 AND 3****AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE,  
RELATING TO THE PUBLIC HEALTH AND SAFETY  
WITH PARTICULAR REFERENCE TO PERSONS TOTAL-  
LY OR PARTIALLY BLIND.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each House concurring therein):*

Section 1. Amend Title 16 of the Delaware Code, by the addition thereto of a new PART IX, which shall read as follows:

**PART IX. DISABLED AND PARTIALLY DISABLED PERSONS****CHAPTER 95. DELAWARE WHITE CANE LAW****§ 9501. Public policy**

It is the policy of this State to encourage and enable the blind, the visually handicapped, and the otherwise physically disabled to participate fully in the social and economic life of this State and to engage in remunerative employment.

**§ 9502. Rights and liabilities**

(a) The blind, the visually handicapped, and the otherwise physically disabled have the same right as do able-bodied persons to the full and free use of streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

(b) The blind, the visually handicapped, and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is

invited; subject only to the conditions and limitations established by judicial decision or by the Delaware Code.

(c) Every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places listed within this Section without being required to pay an extra charge for the guide dog; provided that he shall be liable for any damages done to the premises or facilities by such dog. A guide dog may be excluded from any of the places enumerated in this section if the admission of such dog would create the clear danger of a disturbance or physical harm to other persons in such place.

### **§ 9503. Rules of the road**

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominately white or metallic in color (with or without a red tip) or using a guide dog shall take all necessary precautions to avoid injury to such blind pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused to such pedestrian; provided that a totally or partially blind pedestrian not carrying such a cane or using a guide dog in any of the places, accommodations or conveyances listed in Section 9502, shall have all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind pedestrian to carry such a cane or to use such a dog in any such places, accommodations or conveyances shall not be conclusively held to constitute nor be evidence of contributory negligence.

### **§ 9504. Enjoyment of public facilities**

Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation who denies or interferes with the admittance to or enjoyment of the public facilities enumerated in Section 9502 or otherwise interferes with the rights of a totally or partially blind or otherwise disabled person as specified under Section 9502 shall be guilty of a misdemeanor.

### **§ 9505. White Cane Safety Day**

Each year, the Governor by proclamation or the General

Assembly by resolution, may take public notice of October 15 as White Cane Safety Day so that the public may continue to be aware of the significance of the white cane and be able to recognize the presence of disabled persons on the streets and sidewalks of the State.

#### **§ 9506. Employment opportunities**

It is the policy of this State that the blind, the visually handicapped, and the otherwise physically disabled shall be employed by all employers, including this State, political subdivisions of this State, the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as are able-bodied persons, unless it is shown that the particular disability prevents the performance of the work involved.

#### **§ 9507. Housing accommodations**

(a) Blind persons, visually handicapped persons, and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease or compensation in this State, subject to the conditions and limitations established by law and applicable alike to all persons.

(b) 'Housing Accommodations' shall mean any real property, or portion thereof, which is used or occupied or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, but shall not include any accommodations not included within paragraph (a) or any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

(c) Nothing in this Section shall require any person renting, leasing, or providing for compensation real property to modify his property in any way or provide a higher degree of care for a blind person or a visually handicapped person.

(d) Every totally or partially blind person who has a guide dog, or who obtains a guide dog, shall be entitled to full and equal access to all housing accommodations provided for in this Section,

and he shall not be required to pay extra compensation for such guide dog but shall be liable for any damage done to the premises by such a guide dog.

**§ 9508. Violations**

Any person who violates any provision of this Act shall, upon conviction for such offense in a Justice of the Peace Court, be fined one hundred dollars (\$100) for every such violation.

Approved July 5, 1971.

## CHAPTER 223

FORMERLY HOUSE BILL NO. 296  
AS AMENDED BY HOUSE AMENDMENT NO. 2AN ACT AMENDING CHAPTER 527, VOLUME 57, LAWS OF  
DELAWARE RELATING TO A DECLARED MORA-  
TORIUM ON CERTAIN ACTIVITIES ALONG THE DELA-  
WARE RIVER AND BAY.

WHEREAS, a program for the protection of lands and waterways bordering on the Delaware shore of the Delaware River and Bay is presently under study, and legislation concerning the utilization, development, management and control of said lands bordering the river and bay is planned for introduction in the General Assembly; and

WHEREAS, the 125th General Assembly declared activities such as diking, filling, bulkheading, dumping and the construction of piers may involve an immediate threat of loss of access by fishermen, boaters and others to the Delaware River and Bay; and

WHEREAS, the 125th General Assembly passed an Act, approved by the Governor on June 9, 1970 which declared a moratorium on these activities, which moratorium shall expire June 30, 1971 unless extended by an Act of the 126th General Assembly.

NOW, THEREFORE;

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Amend Chapter 527, Volume 57, Laws of Delaware by striking the words "June 30, 1971" as the same appear in Section 1 of said Chapter, and substituting in lieu thereof the words "February 28, 1972".

Approved July 5, 1971.

## CHAPTER 224

FORMERLY HOUSE BILL NO. 321  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND SUBCHAPTER V, CHAPTER 6, TITLE 9,  
DELAWARE CODE, TO PROVIDE FOR FENCES BE-  
TWEEN DEVELOPED COUNTY PARKS AND RAILROAD  
TRACKS.**

*Be it enacted by General Assembly of the State of Delaware:*

Section 1. Section 673, Subchapter V, Chapter 6, Title 9, Delaware Code, is amended by adding thereto a new subsection (d) to read as follows:

(d) The Commission may place fences or barriers not less than four feet in height between all developed parks and active railroad tracks, the cost of which shall be shared equally between the County and the State.

Approved July 5, 1971.

## CHAPTER 225

## FORMERLY HOUSE BILL NO. 341

**AN ACT TO AMEND CHAPTER 175, VOLUME 52, LAWS OF DELAWARE, BEING AN ACT ENTITLED, "AN ACT TO AUTHORIZE THE MAYOR AND COUNCIL OF THE CITY OF WILMINGTON TO ISSUE NEGOTIABLE BONDS AND NOTES FOR LAWFUL PURPOSES AND TO PROVIDE FOR THEIR PAYMENT", RELATIVE TO THE ISSUANCE OF AND GUARANTEE OF OBLIGATIONS AND DEBT LIMITATIONS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the Members elected to each branch thereof concurring therein):*

Section 1. Section 1 of Chapter 175, Volume 52, Laws of Delaware, is hereby amended by inserting the following at the end of said Section 1:

The City shall also have power to issue from time to time bonds to provide funds to be granted to the Parking Authority of the City of Wilmington to acquire or construct parking facilities and for any other purposes authorized by Title 22, Chapter 5, Delaware Code, and in addition, the City may pledge its full faith and credit to the payment of the principal of and interest on revenue bonds of the Parking Authority of the City of Wilmington as provided in Title 22, Chapter 5, Delaware Code.

Section 2. Section 8 of Chapter 175, Volume 52, Laws of Delaware is hereby amended by striking said Section 8 in its entirety and by inserting in lieu thereof a new Section 8 to read as follows:

Section 8. Bonds shall not be issued pursuant to this Act if their issuance would increase the aggregate amount of payments with respect to the principal of and interest on all bonds of the City then outstanding payable in the fiscal year in which such bonds are issued to an amount in excess of seventeen and one-half per centum of the annual operating budget of the City for such fiscal year. In computing the aggregate amount of payments with respect to the principal of and interest on bonds of the City, there

shall be excluded such payments with respect to: (1) all bonds issued by the City for the purpose of providing a supply of water for the City; and (2) all bonds issued by the City for sewer purposes as a part of the sewer system of the City for which the City collects rates, rents or fees; and (3) all bonds issued by the City for any other purpose for which an exclusion is authorized by law including but not limited to exclusions for bonds issued for Parking Authority purposes and Urban Renewal purposes; and (4) all bonds issued by the City for construction, improvement, acquisition or development of the Port facility maintained by the City of Wilmington; and (5) any guaranty or other obligation incurred pursuant to any law and which said law provides shall be excluded from the computation of any debt limitations of the City.

Section 3. Chapter 175, Volume 52, Laws of Delaware, is hereby amended by adding thereto a new section to read as follows:

Section 12. All bonds and notes of the City of Wilmington issued for school purposes shall be issued in accordance with and pursuant to the limitations prescribed by this Act, and notwithstanding any other law, the interest on bonded debt and retirement of bonds falling due in any fiscal year shall not be included in determining the amount to be raised by taxation for school expenses in any year including all the expenses which the Board of Education is authorized to incur for the maintenance and operation of schools.

Section 4. Chapter 175, Volume 52, Laws of Delaware, is hereby amended by adding thereto a new section to read as follows:

Section 5A. In prescribing the manner of execution of the bonds and notes 'The Council' may provide that the signatures of the officials designated to execute the bonds and notes may execute the bonds and notes by a facsimile of their signatures, one signature of a designated official shall be a manual signature and the seal of the City appearing on such bonds and notes may be a facsimile seal.

Approved July 5, 1971.

## CHAPTER 226

FORMERLY HOUSE BILL NO. 372  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND SUBCHAPTER V, CHAPTER 17, TITLE 24, DELAWARE CODE, PROVIDING FOR IMMUNITY OF MEMBERS OF MEDICAL SOCIETY COMMITTEES WHOSE FUNCTION IS THE REVIEW OF MEDICAL RECORDS AND OF PHYSICIANS' WORK WITH A VIEW TO QUALITY OF CARE AND UTILIZATION OF HOSPITAL FACILITIES, HOME VISITS AND OFFICE VISITS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subchapter V, Chapter 17, Title 24, Delaware Code, is hereby amended by inserting into Section 1768 between the word "hospital" and the word "committees" as the same appear in the fourth line of said Section 1768, the words "and medical society and osteopathic medical society".

Section 2. Subchapter V, Chapter 17, Title 24, Delaware Code, is hereby amended by inserting into Section 1768 between the words "of hospital facilities" and the words "shall severally" as the same appear in the sixth and seventh lines of said Section 1768, the words ", home visits, and office visits".

Approved July 5, 1971.

## CHAPTER 227

FORMERLY HOUSE BILL NO. 429  
AS AMENDED BY SENATE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 69, TITLE 16, DELAWARE  
CODE, RELATING TO FIREWORKS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 6903 (a), Title 16, Delaware Code, by striking the words "State Highway Department" as they appear therein and substituting in lieu thereof the words "Department of Public Safety".

Section 2. Amend Section 6903 (c), Title 16, Delaware Code, by striking the figure "\$3,500" as it appears therein and substituting in lieu thereof the figure "\$5,000".

Section 3. Amend Section 6903 (d), Title 16, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new Section 6903 (d) to read as follows:

(d) If the Secretary of the Department of Public Safety is satisfied that the holding of the display is supervised by a competent and experienced person, and that the display will not be a detriment to the community or area in which the display is held, he may grant a permit for the display. The place of storage of fireworks prior to the display shall be subject to the approval of the Secretary of the Department of Public Safety.

Section 4. Amend Section 6904, Title 16, Delaware Code, by striking the words "State Highway Department" as they appear therein and substituting in lieu thereof the words "Department of Public Safety".

Section 5. This Act shall become effective August 1, 1971.

Approved July 5, 1971.

## CHAPTER 228

FORMERLY SENATE SUBSTITUTE NO. 4  
FOR SENATE BILL NO. 65**AN ACT TO AMEND CHAPTER 17, TITLE 14, DELAWARE  
CODE, RELATING TO STATE APPROPRIATIONS FOR  
UNITS OF PUPILS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 1703, Chapter 17, Title 14, Delaware Code, by striking the following therefrom:

All such units must be authorized by the State Board of Education under rules and regulations promulgated by the Board, with the total number of units for exceptional children authorized in all school districts subject to a limitation of 8½% of the total number of regular units (total units less kindergarten, vocational, and exceptional children) in the State for the 1970-71 fiscal year, 9% of the total number of regular units in the State for 1971-72 fiscal year, and 10% of the total number of regular units in the State for the 1972-73 fiscal year and thereafter. All units of exceptional children above 8% of the total number of regular units (as calculated in the previous sentence) must be approved by the Budget Director annually.

and substituting in lieu thereof the following two paragraphs:

All such units must be authorized by the State Board of Education under rules and regulations promulgated by such Board.

The growth in the total number of state units certified for "Learning Disabilities" for each of the fiscal years ending June 30, 1972 and 1973 shall be limited to 10% of such total state units certified as of September 30 of the preceding year, and the growth in the total number of state units certified for "Social or Emotionally Maladjusted" for each of the fiscal years ending June 30, 1972 and 1973 shall be limited to 10% of such total state units certified as of September 30 of the preceding year, and no further growth in the total number of such total state units shall be allowed for subsequent fiscal years without the approval of the

General Assembly. All such new units shall be allocated to school districts by the State Superintendent of Public Instruction no later than March 1 of each year.

Approved July 8, 1971.

## CHAPTER 229

## FORMERLY SENATE BILL NO. 306

**AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO PROTECTION OF THE PHYSICALLY HANDICAPPED BY PROVIDING FOR MORE EFFECTIVE ENFORCEMENT THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. §6918, Chapter 69, Title 29, Delaware Code, is amended by deleting the first paragraph thereof and substituting in lieu thereof the following:

Every public works contract awarded on or after the effective date of June 30, 1971, dealing with the construction of any public building for the State or any political subdivision thereof shall require construction performed pursuant to the contract to conform to the standards set forth in paragraphs (a) through (k) hereof. Compliance with these requirements shall be enforced as follows:

(i) As to contracts for the State or in which any State funds are involved, by the Department of Administrative Services.

(ii) As to contracts for any political subdivision of the State not covered by (i) hereof, by the Department of Labor.

(iii) A waiver may be granted by the Secretary of the Department of Administrative Services or by the Secretary of the Department of Labor as the case may be in any of the requirements set forth in paragraphs (a) through (k) hereof for good and sufficient reasons stated in writing after consultation with the Director of the Division of Vocational Rehabilitation.

Every public works contract dealing with the alteration or repair of any building for the State or any political subdivision thereof shall require construction performed pursuant to the contract to conform to the standards set forth in paragraphs (a) through (k) hereof whenever the Secretary of the Department of Administrative Services or the Secretary of the Department of

Labor, as the case may be, determines that such compliance is economically feasible and appropriate.

Approved July 8, 1971.

CHAPTER 230  
FORMERLY SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 337  
AS AMENDED BY SENATE AMENDMENT NO. 1  
AND  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 19, DELAWARE CODE, 3318 AND  
3323, RELATING TO APPEALS.

*Be it enacted by the General Assembly of the State of Delaware:*

WHEREAS, portions of §3318 and §3323, Title 19, Delaware Code, are inconsistent with Section 303 (a) (1) of the Federal Social Security Act, found in 42 U.S.C. Section 503 (a) (1), as interpreted by the Supreme Court of the United States in the case of *California Department of Human Resources Development, et al, vs. Judith Java, No. 507, October term 1970*, which case deals with an identical statute of the State of California; and

WHEREAS, such inconsistency places in jeopardy the right of this State to receive grants for administration pursuant to the Social Security Act and the Wagner-Peyser Act.

NOW, THEREFORE,

Section 1. §3318 (b), Title 19, Delaware Code, is hereby amended to read as follows:

(b) Unless the claimant or any interested party within seven (7) calendar days after the delivery of the Deputy's notification, or within ten (10) calendar days after such notification was mailed to his last known address, files an appeal from such decision, the Deputy's decision shall be final and benefits shall be paid or denied in accordance therewith. If a Deputy's decision awards benefits, such benefits shall be paid promptly in accordance with such decision upon its issuance. If an appeal is filed from a Deputy's decision that awards benefits, benefits shall be paid in accordance with such decision notwithstanding such appeal, but if the appeals tribunal's decision or a decision of the Department

under § 3320, § 3321, and § 3322 or judicial review under § 3323 modifies or reverses the award of benefits, the claimant shall be paid benefits for weeks of unemployment following the issuance of such an appeals tribunal, Department, or judicial review decision only in accordance with such decision. A base period employer, if other than the employer by whom the claimant was employed most recently prior to his filing a claim for benefits, shall, as well as such most recent employer, be considered to be an interested party, but only to the extent that his assessment rate may be affected by benefit wage charges. Accordingly, any such base period employer shall be notified of the decision of the deputy on a claim for benefits and shall be accorded all rights of appeal under this Section. Such appeal, if not by a most recent employer, shall not constitute a basis for denying the payment of benefits on an otherwise valid claim, but shall be considered in connection with the relief of benefit wages prescribed in subsections (1), (2), and (8) of Section 3315 of this title.

Section 2. § 3318 (c), Title 19, Delaware Code, is hereby amended to read as follows:

(c) Unless the appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm, or modify, or reverse the decision of the deputy. The parties shall be duly notified of such tribunal's decision, together with its reason therefor, which shall be deemed to be final unless within 10 days after the date of notification or mailing of such decision, further appeal is initiated pursuant to section 3320 of this title. If an appeals tribunal decision awards benefits, such benefits shall be paid promptly in accordance with such decision upon its issuance. If an appeal is filed from an appeals tribunal's decision that awards benefits, benefits shall be paid in accordance with such decision notwithstanding such appeal, but if the Department's decision modifies or reverses the award of benefits, the claimant shall be paid benefits for weeks of unemployment following the issuance of the Department's decision only in accordance with such decision. Benefits to which the claimant is not entitled under the decision of the appeals tribunal shall not be paid for any week ending after the decision is issued, but any benefits to which the claimant is determined to be otherwise entitled to receive shall be paid notwithstanding any further appeal from the decision of the appeals tribunal.

Section 3. Section 3323 (c), Title 19, Delaware Code, is hereby amended by striking the last eight words of said section, as the same appear on lines 7 and 8, and inserting in lieu thereof the following:

'; nor shall the Unemployment Insurance Appeal Board or any Court enter an order or supersedeas or stay which shall delay the payment of any benefits to which the claimant has been determined to be entitled or delay and determination of claimant's rights to any benefits'.

Section 4. This Act shall be applicable to all claims for benefits filed after this Act becomes law and to all claims for benefits filed before this Act becomes law which at the time this Act becomes law are pending either before any appeals tribunal of the Department of Labor or an appeal to any court from a decision of such appeals tribunal awarding benefits. If at the time this Act becomes law an appeal to any Court is pending from a decision of any appeals tribunal of the Department of Labor awarding benefits, benefits shall be paid in accordance with such decision notwithstanding such appeal.

Approved July 8, 1971.

## CHAPTER 231

## FORMERLY SENATE BILL NO. 371

**AN ACT TO AMEND SUBCHAPTER I, CHAPTER 1, TITLE 14  
OF THE DELAWARE CODE RELATING TO OPERATION  
OF JOINT EDUCATIONAL FACILITIES WITH BORDER-  
ING STATES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend paragraph (12) of Section 121, Chapter 1, Title 14, of the Delaware Code by adding after the first sentence:

Tuition payments required on account of such contracts shall be paid from funds specifically appropriated in the annual budget for this purpose and/or from Educational Contingency funds and tuition payments received under such contracts shall be deposited in the General Fund of the State any other provisions of Title 14, Delaware Code notwithstanding.

Approved July 8, 1971.

## CHAPTER 232

## FORMERLY SENATE BILL NO. 429

**AN ACT TO AMEND CHAPTER 118, VOLUME 33, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR A FIREMEN'S PENSION FUND FOR MEMBERS OF THE BUREAU OF FIRE OF THE CITY OF WILMINGTON", TO PROVIDE FOR AN INCREASE IN PENSION BENEFITS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each branch thereof concurring therein):*

Section 1. Section 1 of Chapter 118, Volume 33, Laws of Delaware, as amended, is hereby amended by striking the number "fifteen" and inserting in lieu thereof the number "seven".

Section 2. Section 4 of Chapter 118, Volume 33, Laws of Delaware, as amended, is hereby amended by striking the number "fifteen" and inserting in lieu thereof the number "seven".

Section 3. Section 1 of Chapter 118, Volume 33, Laws of Delaware, as amended by Chapter 393, Volume 49, Laws of Delaware, is hereby amended by striking the amount "Ten Dollars (\$10.00)" and inserting in lieu thereof the amount "Thirty Dollars (\$30.00)"; and said section is further amended by striking the period (.) at the end of the phrase "currently under the age of eighteen (18) years of age" and inserting in lieu thereof ", with a maximum payment of Ninety Dollars (\$90.00) per family per month for said dependent children."

Section 4. Chapter 118, Volume 33, Laws of Delaware, as amended, is further amended by adding thereto a new section to read as follows:

Section 13. Notwithstanding any other provisions of this Act to the contrary, any widow who is receiving pension benefits and who dies, survived by a child or children under the age of eighteen (18) years, shall not cause said pension to cease, but said pension benefits shall continue and be paid to the surviving child or children until the youngest child attains the age of eighteen (18) years. Said benefits shall be paid to said child or children in

lieu of the benefits paid to said child or children pursuant to Section 1 of this Act.

Section 5. Chapter 118, Volume 33, Laws of Delaware, as amended, is further amended by adding after the first paragraph of Section 1 thereof a new paragraph to read as follows:

Whenever a member of the Bureau of Fire of the Department of Public Safety shall have become permanently disabled or incapacitated so as not to be able to be employed in any capacity from a job-connected injury, shall be entitled to receive from the sum herein established an amount equal to seventy-five per centum (75%) of the amount of his salary at the time of retirement.

Section 6. Chapter 118, Volume 33, Laws of Delaware, as amended, is further amended by adding to the end of the first paragraph of Section 1 thereof the following:

Any member who has performed service for at least twenty (20) years and who is eligible for retirement, and who continues to work for the Bureau and who is subsequently disabled from a non-occupational injury, is not eligible to receive a disability pension, notwithstanding any other provisions of this Act to the contrary.

Section 7. Chapter 118, Volume 33, Laws of Delaware, as amended is further amended by adding the words "terminal cancer, or emphysema" after the words "caused by Tuberculosis or heart disease," and before the words "resulting in total or partial" where they appear in Section 1 thereof.

Section 8. Chapter 118, Volume 33, Laws of Delaware, as amended, is further amended by adding thereto a new section to read as follows:

Section 14. Whenever a member of the Bureau of Fire of the Department of Public Safety shall transfer to and be a member of the Bureau of Police of the Department of Public Safety, all pension and retirement benefits and rights accrued to said member shall be transferred to the pension fund for members of the Bureau of Police of the Department of Public Safety.

Approved July 8, 1971.

## CHAPTER 233

## FORMERLY SENATE BILL NO. 430

**AN ACT TO AMEND CHAPTER 113, VOLUME 32, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR A POLICE PENSION FUND: FOR MEMBERS OF THE POLICE FORCE OF THE CITY OF WILMINGTON." TO PROVIDE FOR AN INCREASE IN PENSION BENEFITS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each branch thereof concurring therein):*

Section 1. Section 1 of Chapter 113, Volume 32, Laws of Delaware, as amended, is hereby amended by striking the number "fifteen" and inserting in lieu thereof the number "seven".

Section 2. Section 4, Chapter 113, Volume 32, Laws of Delaware, as amended, is hereby amended by striking the number "fifteen" and inserting in lieu thereof the number "seven".

Section 3. Section 1 of Chapter 113, Volume 32, Laws of Delaware, as amended, is hereby amended by striking the amount "Ten Dollars (\$10.00)" and inserting in lieu thereof the amount "Thirty Dollars (\$30.00)"; and said section is further amended by striking the period (.) at the end of the phrase "currently under the age of eighteen years" and inserting in lieu thereof ", with a maximum payment of ninety dollars (\$90.00) per family per month for said dependent children."

Section 4. Chapter 113, Volume 32, Laws of Delaware, as amended, is further amended by adding thereto a new section to read as follows:

Section 14. Notwithstanding any other provisions of this Act to the contrary, any widow who is receiving pension benefits and who dies, survived by a child or children under the age of eighteen (18) years, shall not cause said pension to cease, but said pension benefits shall continue and be paid to the surviving child or children until the youngest child attains the age of eighteen (18) years. Said benefits shall be paid to said child or children in lieu of the benefits paid to said child or children pursuant to Section 1 of this Act.

Section 5. Chapter 113, Volume 32, Laws of Delaware, as amended, is further amended by adding after the first paragraph of Section 1 thereof a new paragraph to read as follows:

Whenever a member of the Bureau of Police of the Department of Public Safety shall have become permanently disabled or incapacitated so as not to be able to be employed in any capacity, from a job connected injury, shall be entitled to receive from the sum herein established an amount equal to seventy-five per centum (75%) of the amount of his salary at the time of retirement.

Section 6. Chapter 113, Volume 32, Laws of Delaware, as amended, is further amended by adding to the end of the first paragraph of Section 1 thereof the following:

Any member who has performed service for at least twenty (20) years and who is eligible for retirement, and who continues to work for the Bureau and who is subsequently disabled from a non-occupational injury, is not eligible to receive a disability pension, notwithstanding any other provisions of this Act to the contrary.

Section 7. Chapter 113, Volume 32, Laws of Delaware, as amended, is further amended by adding the words "terminal cancer, or emphysema" after the words "caused by Tuberculosis or heart disease," and before the words "resulting in total or partial" where they appear in Section 1 thereof.

Section 8. Chapter 113, Volume 32, Laws of Delaware, as amended, is further amended by adding thereto a new section to read as follows:

Section 15. Whenever a member of the Bureau of Police of the Department of Public Safety shall transfer to and be a member of the Bureau of Fire of the Department of Public Safety, all pension and retirement benefits and rights accrued to said member shall be transferred to the pension fund for members of the Bureau of Fire of the Department of Public Safety.

Approved July 8, 1971.

CHAPTER 234

FORMERLY SENATE BILL NO. 434

**AN ACT TO AMEND CHAPTER 77, VOLUME 50, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO AUTHORIZE AND DIRECT THE LEVY COURT OF SUSSEX COUNTY TO MAKE AVAILABLE TO THE BOARD OF SOIL DISTRICT SUPERVISORS OF THE SOIL CONSERVATION DISTRICT OF SUSSEX COUNTY CERTAIN FUNDS FOR THE EMPLOYMENT OF AN EQUIPMENT MANAGER.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the County Council of Sussex County is hereby authorized and directed to make available for, and to pay to, the Sussex Soil and Water Conservation District the sum of Seven Thousand and Five Hundred Dollars (\$7,500) annually beginning July 1, A.D. 1971.

Section 2. The funds hereby authorized to be made available to the Sussex Soil and Water Conservation District of Sussex County shall be used, when made available, for the purpose of employing a manager of the heavy earth moving and related equipment operated by the Sussex County Soil and Water Conservation District.

Approved July 8, 1971.

## CHAPTER 235

## FORMERLY SENATE BILL NO. 222

**AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO CORPORATIONS BY MAKING CERTAIN CHANGES IN SECTIONS 103, 158, 222, 228, 251, 255, 381 and 391.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House of the General Assembly concurring therein):*

Section 1. Section 103 of Title 8, Delaware Code, is amended by deleting the phrase, "shall have the corporate seal affixed thereto and" in subsection (a) (2), and by deleting subsection (b) and substituting a new subsection (b) to read as follows:

(b) Whenever any provision of this chapter requires any instrument to be acknowledged, such requirement is satisfied by either:

(1) The formal acknowledgement by the person or one of the persons signing the instrument that it is his act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true. Such acknowledgement shall be made before a person who is authorized by the law of the place of execution to take acknowledgements of deeds and who, if he has a seal of office, shall affix it to the instrument.

(2) The signature, without more, of the person or persons signing the instrument, in which case such signature or signatures shall constitute the affirmation or acknowledgement of the signatory, under penalties of perjury, that the instrument is his act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true.

Section 2. Section 158 of Title 8, Delaware Code, is amended by deleting the phrase, "If such certificate is countersigned (1) by a transfer agent other than the corporation or its employee, or (2) by a registrar other than the corporation, or its employee, any other signature" in the second sentence and by adding in lieu thereof the phrase, "Any of or all the signatures".

CHAPTER 234

FORMERLY SENATE BILL NO. 434

**AN ACT TO AMEND CHAPTER 77, VOLUME 50, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO AUTHORIZE AND DIRECT THE LEVY COURT OF SUSSEX COUNTY TO MAKE AVAILABLE TO THE BOARD OF SOIL DISTRICT SUPERVISORS OF THE SOIL CONSERVATION DISTRICT OF SUSSEX COUNTY CERTAIN FUNDS FOR THE EMPLOYMENT OF AN EQUIPMENT MANAGER.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the County Council of Sussex County is hereby authorized and directed to make available for, and to pay to, the Sussex Soil and Water Conservation District the sum of Seven Thousand and Five Hundred Dollars (\$7,500) annually beginning July 1, A.D. 1971.

Section 2. The funds hereby authorized to be made available to the Sussex Soil and Water Conservation District of Sussex County shall be used, when made available, for the purpose of employing a manager of the heavy earth moving and related equipment operated by the Sussex County Soil and Water Conservation District.

Approved July 8, 1971.

## CHAPTER 235

## FORMERLY SENATE BILL NO. 222

**AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO CORPORATIONS BY MAKING CERTAIN CHANGES IN SECTIONS 103, 158, 222, 228, 251, 255, 381 and 391.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House of the General Assembly concurring therein):*

Section 1. Section 103 of Title 8, Delaware Code, is amended by deleting the phrase, "shall have the corporate seal affixed thereto and" in subsection (a) (2), and by deleting subsection (b) and substituting a new subsection (b) to read as follows:

(b) Whenever any provision of this chapter requires any instrument to be acknowledged, such requirement is satisfied by either:

(1) The formal acknowledgement by the person or one of the persons signing the instrument that it is his act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true. Such acknowledgement shall be made before a person who is authorized by the law of the place of execution to take acknowledgements of deeds and who, if he has a seal of office, shall affix it to the instrument.

(2) The signature, without more, of the person or persons signing the instrument, in which case such signature or signatures shall constitute the affirmation or acknowledgement of the signatory, under penalties of perjury, that the instrument is his act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true.

Section 2. Section 158 of Title 8, Delaware Code, is amended by deleting the phrase, "If such certificate is countersigned (1) by a transfer agent other than the corporation or its employee, or (2) by a registrar other than the corporation, or its employee, any other signature" in the second sentence and by adding in lieu thereof the phrase, "Any of or all the signatures".

Section 3. Section 222 of Title 8, Delaware Code, is amended by deleting the word "fifty" in the first sentence of subsection (b), and by adding in lieu thereof the word "sixty".

Section 4. Section 228 of Title 8, Delaware Code, is amended by deleting said section and substituting in lieu thereof the following:

**§ 228. Consent of Stockholders in lieu of meeting**

(a) Unless otherwise provided in the certificate of incorporation, any action required by this chapter to be taken at any annual or special meeting of stockholders of a corporation, or any action which may be taken at any annual or special meeting of such stockholders, may be taken without a meeting, without prior notice and without a vote, if a consent in writing, setting forth the action so taken, shall be signed by the holders of outstanding stock having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all shares entitled to vote thereon were present and voted.

(b) Unless otherwise provided in the certificate of incorporation, any action required by this chapter to be taken at a meeting of the members of a non-stock corporation, or any action which may be taken at any meeting of the members of a non-stock corporation, may be taken without a meeting, without prior notice and without a vote, if a consent in writing, setting forth the action so taken, shall be signed by members having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all members having a right to vote thereon were present and voted.

(c) Prompt notice of the taking of the corporate action without a meeting by less than unanimous written consent shall be given to those stockholders or members, as the case may be, who have not consented in writing. In the event that the action which is consented to is such as would have required the filing of a certificate under any other section of this title, if such action had been voted on by stockholders or by members at a meeting thereof, the certificate filed under such other section shall state, in lieu of any statement required by such section concerning any vote of stockholders or members, that written consent has been

given in accordance with the provisions of this section, and that written notice has been given as provided in this section.

Section 5. Section 251 of Title 8, Delaware Code, is amended by deleting the phrase "under the seal thereof" in the fourth sentence of subsection (c) and by deleting the phrase, "under its seal" in the second sentence of subsection (f) and by deleting subsection (f) (2) and substituting in lieu thereof the following:

(2) each share of stock of such constituent corporation outstanding immediately prior to the effective date of the merger is to be an identical outstanding or treasury share of the surviving corporation after the effective date of the merger,.

Section 6. Section 255 of Title 8, Delaware Code, is amended by deleting the phrase "under the seal of each such corporation" in the fourth sentence of subsection (c).

Section 7. Section 381 of Title 8, Delaware Code, is amended by deleting the phrase, "under its corporate seal" in the first sentence of subsection (a) (1).

Section 8. Section 391 of Title 8, Delaware Code, is amended by amending subsection (e) thereof to read as follows:

(e) The Secretary of State may in his discretion permit the extension of credit for the taxes or fees required by this section upon such terms as he shall deem to be appropriate.

Section 9. Section 391 of Title 8, Delaware Code, is amended by adding a new subsection (f) to read as follows:

(f) The Secretary of State shall retain in his hands out of the revenue collected from the taxes or fees required by this section a sum sufficient to provide at all times a fund of at least \$500, but not more than \$1,500, out of which he may refund any payment made pursuant to this section to the extent that it exceeds the taxes or fees required by this section. The fund shall be deposited in the financial institution which is legal depository of State moneys to the credit of the Secretary of State and shall be disbursable on order of the Secretary of State.

Section 10. This Act shall become effective on July 1, 1971.

Approved July 9, 1971.

## CHAPTER 236

## FORMERLY SENATE BILL NO. 274

**AN ACT TO AMEND PART I, TITLE 18 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A GROUP LIFE INSURANCE PLAN FOR EMPLOYEES OF THE STATE OF DELAWARE.**

WHEREAS, the 125th General Assembly, by Senate Joint Resolution No. 17, created a Legislative Committee to study the possibility of group life insurance for State employees, and if the same were feasible, to submit a bill for the consideration of the General Assembly; and

WHEREAS, the chairman of the committee, Robert A. Short, initiated such research through the offices of the Insurance Commissioner and the results of the study indicated that such group life insurance was not only feasible but that large segments of private industry in Delaware already provide such benefits for their employees, as do certain political sub-divisions within the State; and

WHEREAS, the Committee on Group Life Insurance for Employees is in agreement that all full-time employees of the State of Delaware should be made eligible for participation in a group life insurance plan, and that accidental death and dismemberment benefits be made a part of the contract, together with provisions for the waiver of premium and conversion privileges.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Part I, Title 18 of the Delaware Code, by adding thereto a new Chapter, to be known and designated as Chapter 32, which new Chapter shall read as follows:

## CHAPTER 32. GROUP LIFE INSURANCE FOR STATE EMPLOYEES

### § 3201. Definitions

“Employee” shall mean a person who has been continuously employed by the State of Delaware for a three-month period immediately preceding the first day of any given month (exclusive of legal holidays and allowable leave) and who works the regularly scheduled full-time hours of the employing agency, or at least thirty or more hours per week, or one hundred and thirty hours per month (with allowable interruptions) throughout the year. “Employee” shall include all elected and appointed State officials.

### § 3202. Group Life Insurance

Subject to the provisions of Chapter 31, Title 18 of the Delaware Code, the State of Delaware Code, the State of Delaware may, and is hereby specifically authorized, to enter into a contract of group life insurance including accidental death and dismemberment coverage with an insurance company or companies authorized to transact business within this State, which insurance shall specifically cover State employees or any class or classes thereof.

### § 3203. Life Insurance Premiums

The State of Delaware is hereby authorized to pay part of the premiums or charges for such group life insurance contract or contracts, and may appropriate any money necessary to pay such premiums or charges, or portions thereof. Notwithstanding any other provision of the law, any contribution required of any employee toward the cost of such insurance may be deducted from the pay, salary or compensation of such employee. The expenditure of funds of the State for payment of part of the premiums shall be deemed to be a regular business expenditure, and shall not be considered compensation paid to the employee so insured.

### § 3204. Eligibility and waiver

Any contract of insurance procured pursuant to this Act shall provide that each employee becoming eligible for insurance thereunder shall become insured automatically at such time of

eligibility, subject to any "actively-at-work" requirement or requirements as to the health of persons to be covered as specified in the insurance contract; provided, however, any employee desiring not to be so insured shall give written notice to his employing office that he desires not to be insured and:

1. If such notice is received before the employee shall have become insured under such contract, he shall not be so insured thereunder;

2. If such notice is received after the employee shall have become insured, his insurance, unless otherwise provided in the insurance contract, shall cease to be effective at the end of the month following the month in which the notice is received by the employing office.

#### **§ 3205. Maximum amount of coverage**

The amount of group life insurance on the life of any employee shall be in the amount of the employee's annual regular salary rounded to the next higher even thousand dollars, but in no case shall exceed \$20,000. Contributions by the employee and the State to the cost of such insurance may be based on reasonable age classifications.

#### **§ 3206. State Group Life Insurance Committee**

There shall be, and there is hereby created a State Group Life Insurance Committee, which shall be composed of the Insurance Commissioner, two Members of the Senate selected by the President Pro Tempore of the Senate (one member from each major political party), two Members of the House of Representatives selected by the Speaker of the House (one member from each major political party), any 3 of which shall constitute a quorum for purposes of an official meeting. The Budget Director, Director of the State Personnel Commission and the Director, Division of the Treasury shall serve the committee in an advisory capacity and shall be non-voting members of the committee. The Director, Division of the Treasury shall serve as secretary of the Committee.

After reviewing competitive group plans the Committee shall select a carrier deemed to offer the best plan to satisfy the interests of the State and of its employees in carrying out the

intent of this Act. Such contract shall be for a uniform term of at least one year, but may be continued automatically at the option of the Group Life Insurance Committee from term to term in accordance with recognized group life insurance practices.

**§ 3207. Legal Agent of the State**

The State Insurance Commissioner shall be the legal agent for the State of Delaware, and shall be empowered to enter into the contract for group life insurance with any insurance carrier designated by the Group Life Insurance Committee.

**§ 3208. Administration of Act**

The State of Delaware, or its authorized department or agency, is hereby empowered to perform all acts necessary or proper for administration of the insurance coverage provided.

**§ 3209. Application of dividends**

Dividends payable from the insurance may be used to offset any contribution made by the State of Delaware in the form of money or administrative costs, including the salaries of employees working full-time on the program and any other related expenses deemed appropriate by the Group Life Insurance Committee.

**§ 3210. Group Life Insurance Fund**

Dividends in excess of any deduction made by the State for its contributions may be used solely for the benefit of the subscribers to the Group Life Insurance Program, and shall be maintained in a special fund identified as the Group Life Insurance Fund, which fund shall be administered by the Group Life Insurance Committee. Funds derived from such dividends may be invested with the insurer, with the State of Delaware or in Federal Bonds or Time Deposits with the Farmers Bank of the State of Delaware, with all income from such investments reverting to the Fund. Under no circumstances shall these funds become a part of the State General Fund, or any fund other than the Group Life Insurance Fund.

**§ 3211. Validity of contracts**

The enactment of any provisions of this Act shall not be construed to impair the validity of any contractive group life insurance for employees of the State which shall be in effect at the time this Act is approved, but nothing herein contained shall permit duplicate coverage in instances where the State of Delaware would be a contributor to more than one plan.

Section 2. This Act shall become effective January 1, 1972.

Approved July 9, 1971.

## CHAPTER 237

## FORMERLY SENATE BILL NO. 290

**AN ACT AUTHORIZING THE INCUMBENT STATE TREASURER TO TRANSFER CERTAIN BALANCES IN ACCOUNTS OF THE STATE OF DELAWARE TO THE CREDIT OF THE GENERAL FUND OF THE STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The incumbent State Treasurer is authorized to transfer to the credit of the General Fund of the State of Delaware the amount of \$5,628.09 made up of certain balances for which the date for honoring any check or orders drawn thereupon has expired by statute, such amount being the total of balances on deposit to the credit of the State of Delaware in the Farmers Bank of the State of Delaware, Dover, Delaware, in the name and in the accounts as follows:

**Treasurer of the State of Delaware**

<b>Name of Account</b>	<b>Number of Account</b>	<b>Amount</b>
General Checking	2217-110-9	\$2,192.29
Payroll	2217-113-1	2,958.82
Motor Vehicle License and Fee Refund	2217-014-1	105.00
Motor Fuel Tax Refund	2217-011-9	46.06
Pension	2217-112-0	325.92
		<u>\$5,628.09</u>

Approved July 9, 1971.

## CHAPTER 238

## FORMERLY SENATE BILL NO. 317

**AN ACT TO AMEND TITLE 18, DELAWARE CODE, BY  
AMENDING CHAPTER 25 ON INSURANCE REGARDING  
MANDATORY HEARINGS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 2507, Chapter 25, Title 18, Delaware Code, is hereby amended by striking "after a hearing held upon not less than ten (10) days written notice specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing," and substituting "specify the reason for his disapproval and state that a hearing will be granted within twenty (20) days after request in writing by the insurer or rating organization which made such filing,".

Approved July 9, 1971.

## CHAPTER 239

FORMERLY SENATE BILL NO. 345  
AS AMENDED BY SENATE AMENDMENT NO. 1  
AND HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND TITLES 4, 11, 17, 21, AND 23, DELAWARE CODE, BY CONFERRING ORIGINAL JURISDICTION UPON JUSTICES OF THE PEACE TO HEAR, TRY, AND FINALLY DETERMINE ALLEGED VIOLATIONS OF CERTAIN SECTIONS THEREOF AND BY ALTERING THE JURISDICTIONAL LIMITS OF CERTAIN SECTIONS THEREOF AND BY CHANGING THE PENALTIES FOR THE VIOLATION OF CERTAIN SECTIONS THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each branch concurring therein):*

Section 1. Title 23, §2130, Delaware Code, is hereby amended by adding at the end thereof the following:

Justices of the Peace shall have original jurisdiction to hear, try and finally determine alleged violations of the provisions of this Chapter.

Section 2. Title 11, §5904, Delaware Code, is hereby amended by inserting the phrase "or by sentence in jail not exceeding ten (10) days, or both" after the phrase "may punish by fine not exceeding One Hundred Dollars (\$100)".

Section 3. Title 11, §554, Delaware Code, is hereby amended by adding thereto the following paragraph:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section when the amount of money allegedly involved, or the value of the property allegedly involved, is less than Two Hundred Fifty Dollars (\$250).

Section 4. Title 11, §555 (a), Delaware Code, is hereby amended by striking the amount "\$100" and inserting in lieu thereof the amount "\$250".

Section 5. Title 11, § 555 (b), Delaware Code, is hereby amended by striking the amount "\$100" and inserting in lieu thereof the amount "250".

Section 6. Title 11, § 558 (b), Delaware Code, is hereby amended by striking the amount "\$50" wherever it appears therein and inserting in lieu thereof the amount "\$250".

Section 7. Title 11, § 558 (b), Delaware Code, is hereby amended by striking the amount "\$100" wherever it appears therein and inserting in lieu thereof the amount "\$500".

Section 8. Title 11, § 558 (b), Delaware Code, is hereby amended by striking the amount "\$500" where it appears therein and inserting in lieu thereof the amount "\$1,000".

Section 9. Title 11, § 558 (b), Delaware Code, is hereby amended by striking the number "30" where it appears therein and inserting in lieu thereof the number "90".

Section 10. Title 11, § 558 (c), Delaware Code, is hereby amended by striking the amount "\$50" wherever it appears therein and inserting in lieu thereof the amount "\$250".

Section 11. Title 11, § 558 (c), Delaware Code, is hereby amended by striking the amount "\$100" wherever it appears therein and inserting in lieu thereof the amount "\$500".

Section 12. Title 11, § 558 (c), Delaware Code, is hereby amended by striking the amount "\$500" where it appears therein and inserting in lieu thereof the amount "\$1,000".

Section 13. Title 11, § 558 (c), Delaware Code, is hereby amended by striking the number "30" and inserting in lieu thereof the number "90".

Section 14. Title 11, § 558 (d), Delaware Code, is hereby amended by striking the amount "\$50" wherever it appears therein and inserting in lieu thereof the amount "\$250".

Section 15. Title 11, § 558 (d), Delaware Code, is hereby amended by striking the amount "\$100" wherever it appears therein and inserting in lieu thereof the amount "\$500".

Section 16. Title 11, § 558 (d), Delaware Code, is hereby amended by striking the amount "\$500" where it appears therein and inserting in lieu thereof the amount "\$1,000".

Section 17. Title 11, § 558 (d), Delaware Code, is hereby amended by striking the number "30" and inserting in lieu thereof the number "90".

Section 18. Title 11, § 558, Delaware Code, is hereby amended by adding thereto a new subparagraph to read as follows:

(f) Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section where the amount of money involved does not exceed \$250.

Section 19. Title 11, § 601, Delaware Code, is hereby amended by adding at the end thereof the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 20. Title 11, § 602, Delaware Code, is hereby amended by striking the amount "\$25" and inserting in lieu thereof the amount "\$100".

Section 21. Title 11, § 602, Delaware Code, is hereby amended by adding at the end thereof the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 22. Title 11, § 655, Delaware Code, is hereby amended by adding at the end thereof the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 23. Title 11, § 656, Delaware Code, is hereby amended by adding thereto the following paragraph:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 24. Title 11, §333, Delaware Code, is hereby amended by adding thereto the following new paragraph:

(c) Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section if the value of the dog involved does not exceed \$100.

Section 25. Title 11, §361, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 26. Title 11, §362, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 27. Title 11, §466, Delaware Code, is hereby amended by striking the phrase "shall be fined not more than \$50 or imprisoned not more than 1 month, or both." and inserting in lieu thereof the following:

shall be fined not less than \$100 nor more than \$300 or imprisoned not more than ninety (90) days, or both. Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 28. Title 11, §467 (a), Delaware Code, is hereby amended by striking the phrase "shall be fined not less than \$10 nor more than \$100, and the costs of prosecution" and inserting in lieu thereof the following:

shall be fined not less than \$100 nor more than \$500 and imprisoned for not more than six (6) months or both. Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this subsection.

Section 29. Title 11, §467, Delaware Code, is hereby amended by adding thereto the following new subsection:

(c) No provision of this Section shall be construed as limiting, in any manner, liability for prosecution under other applicable sections of the Delaware Code.

Section 30. Title 11, §751, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 31. Title 11, §752, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 32. Title 11, §753, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 33. Title 11, §754, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 34. Title 11, §755, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 35. Title 11, §756, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 36. Title 11, §553, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 37. Title 11, §841, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 38. Title 11, §842, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 39. Title 11, §873, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 40. Title 11, §437, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 41. Title 11, §648 (d), Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 42. Title 11, §759, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 43. Title 4, §901, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 44. Title 4, §902, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 45. Title 4, §903, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 46. Title 4, §904, Delaware Code, is hereby amended by adding thereto a new subsection to read as follows:

(h) Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 47. Title 4, §906, Delaware Code, is hereby amended by adding thereto a new subsection to read as follows:

(d) Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 48. Title 4, §907, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 49. Title 4, §908, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 50. Title 17, §330, Delaware Code, is hereby amended by adding thereto the following:

Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Section 51. Title 21, §2701, Delaware Code, is hereby amended by adding thereto the following:

A person who is found in violation of this Section shall, for the first offense, be punished by a fine of not less than \$50 nor more than \$200. For each subsequent like offense, he shall be fined not less than \$100 nor more than \$500, or imprisoned for a term not to exceed six (6) months, or both.

Section 52. Title 21, §2107, Delaware Code, is hereby amended by adding thereto a new subsection to read as follows:

(c) Failure of an owner to sign his registration card shall be punished by a fine of Five Dollars (\$5.00).

Section 53. Title 11, §5909, Delaware Code, is hereby amended by inserting the words 'motor boat laws,' after the words 'motor vehicle laws', and before the words 'and game and fish laws' where they appear in the first paragraph thereof."

Approved July 9, 1971.

## CHAPTER 240

FORMERLY SENATE BILL NO. 470  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 10, DELAWARE CODE, RELATING TO ENTRY OF JUDGMENTS BY CONFESSION; AND TO AMEND TITLE 7, DELAWARE CODE, RELATING TO BOND OF THE SECRETARY-TREASURER FOR THE TAX DITCH; AND TO AMEND TITLE 24, DELAWARE CODE, RELATING TO PAWN BROKER'S BOND.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 10, Delaware Code, Section 2306, is hereby amended by striking said Section in its entirety and substituting in lieu thereof a new Section 2306 to read as follows:

**§ 2306. Entry of judgment by confession**

(a) A judgment by confession may be entered by the Prothonotary, either for money due or to become due, or to secure the Obligee against a money contingent liability, or both, on the application by the Obligee or Assignee of a bond, note or other obligation containing a warrant for an attorney at law or other person to confess judgment.

(b) A judgment by confession shall not be entered as a final judgment, effective in all respects as a judgment after trial, until the Prothonotary gives written notice to the Defendant-Obligor by certified mail, return receipt requested, of an opportunity for a judicial determination as to whether the Defendant-Obligor understandingly waived his right to notice and an opportunity to be heard prior to the entry of final judgment against him.

(c) In the case of a Defendant-Obligor who was at the time of executing the document authorizing the confession of judgment, a non-resident, the Plaintiff must also file with the Prothonotary an affidavit executed by the Defendant-Obligor stating:

- (1) The sum of money for which judgment may be entered.
  - (2) Authorization of entry of judgment in the Superior Court of the State of Delaware in and for a specific County.
  - (3) The contact with the State of Delaware in the transaction.
  - (4) Defendant-Obligor's mailing address and residence where he most likely would receive mail.
- (d) The Prothonotary shall send by certified mail, return receipt requested, a copy of the document authorizing the confession of judgment, the notice as aforesaid and, where applicable, he shall also send a copy of the Defendant-Obligor's affidavit provided for in paragraph (c) herein.

(e) When service cannot be effected by certified mail, return receipt requested, service shall be accomplished by the publication of said notice once per week for two weeks in a newspaper of general circulation in the County in which the judgment is sought to be entered and also once per week for two weeks in a newspaper of general circulation in the County in which the Defendant-Obligor is last known to have resided.

(f) Prior to the issuance of any writ of execution sought on a confessed judgment entered prior to the effective date of this statute, the Prothonotary shall serve on the Defendant-Obligor by certified mail, return receipt requested, or in the event of failure of service in that manner, by publication as heretofore provided, the notice as provided for in paragraph (b) herein. If the Defendant-Obligor appears to contest the judgment, his appearance shall be noted and in the case of non-residents, the appearance shall constitute the appointment of the Prothonotary as his agent to receive service. In that case, the Prothonotary must immediately forward to the Defendant-Obligor all such service he receives, pursuant to the provision hereinafter by this statute or by Court rule, to the Defendant-Obligor by certified mail, return receipt requested. Thereafter, the issues shall be joined on the question of the indebtedness and the question of whether there was an understanding waiver of notice and an opportunity to be heard prior to judgment having been entered against the Defendant-Obligor. At the hearing on the issues, if Plaintiff prevails, the

lien of his judgment shall relate back to the date of its original entry.

(g) At the conclusion of the hearing provided for in paragraph (b) herein, if the Plaintiff prevails on the issue of whether the Defendant-Obligor understandingly waived notice and an opportunity to be heard prior to the entry of judgment against him, then judgment shall be entered by the Prothonotary pursuant to Section 2306 herein as of the date the confessed judgment was originally lodged with the Prothonotary.

(h) In addition to the procedure herein set forth, the Superior Court may adopt Rules for confession of judgments by Defendant-Obligor in open Court; provided, however, the Debtor is afforded a judicial determination on the question of whether he has understandingly waived any of his constitutional rights concerning the entry of judgment and the right to execution thereon.

(i) The Superior Court may adopt appropriate and specific Rules to effectuate the intent and purpose of this statute.

(j) Notwithstanding the opportunity for hearing provided in paragraph (b) above the Defendant-Obligor will not be deemed to have waived the right to present defenses of which he had no knowledge at the time he signed the instrument containing a warrant of attorney to confess judgment, or which arose subsequent to the signing of such instrument. A stay of execution shall be automatically given on all judgments entered hereunder until the Defendant-Obligor is afforded an opportunity for hearing to present those defenses not deemed to have been waived. Prior to execution the Prothonotary shall serve notice to the Defendant-Obligor in the manner above provided for residents or non-residents as the case may be, and such notice shall include a warning that Defendant-Obligor's property will be seized and sold or his wages attached on failure to appear.

Section 2. Title 10, Delaware Code, is hereby amended by striking Sections 9547 and 9548 in their entirety.

Section 3. Title 10, Delaware Code, is hereby amended by striking the period at the end of Section 3908 thereof and adding thereto the following:

“except as provided for in Title 10, Section 2306.”

Section 4. Title 7, Delaware Code, Section 4164, is hereby amended by striking the following as contained therein:

To the bond and condition, there shall be annexed a warrant or power of attorney to confess judgment thereon in the usual form.

Section 5. Title 24, Delaware Code, Section 2305, is hereby amended by striking the following:

The bond shall be filed with the Clerk of the Peace of New Castle County.

and substituting in lieu thereof:

The bond shall be filed with the Prothonotary of the Superior Court in New Castle County.

Approved July 9, 1971.

## CHAPTER 241

## FORMERLY HOUSE BILL NO. 55

**AN ACT RELATING TO EDUCATION OF THE CITIZENS OF DELAWARE BY MAKING AN APPROPRIATION TO WHYY, INC. ENGAGED IN EDUCATING THE PEOPLE OF THIS STATE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House thereof concurring therein):*

Section 1. The sum of \$100,000 is appropriated to WHYY, Inc. to be used to aid and support the operation of WHYY-TV as an educational, non-profit, non-commercial, instructional and cultural television serving the State.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1972, and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State not otherwise appropriated.

Approved July 9, 1971.

## CHAPTER 242

## FORMERLY HOUSE BILL NO. 58

**AN ACT RELATING TO EDUCATION OF THE CITIZENS OF DELAWARE BY MAKING AN APPROPRIATION TO DELAWARE SAFETY COUNCIL, INC. ENGAGED IN EDUCATING THE PEOPLE OF THIS STATE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House thereof concurring therein):*

Section 1. The sum of \$25,000 is appropriated to the Delaware Safety Council, Inc., to be used for the operations of the Council in educating the public as to safety.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1972, and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State not otherwise appropriated.

Approved July 9, 1971.

CHAPTER 243

FORMERLY HOUSE BILL NO. 62

**AN ACT MAKING AN APPROPRIATION TO BIG BROTHERS  
ASSOCIATION OF NORTHERN DELAWARE, INC.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. The sum of \$7,500 is appropriated to Big Brothers Association of Northern Delaware, Inc. for the fiscal year ending June 30, 1972.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the funds in the General Fund of the State not otherwise appropriated.

Section 3. Any money appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1972.

Approved July 9, 1971.

## CHAPTER 244

FORMERLY HOUSE BILL NO. 216  
AS AMENDED BY  
HOUSE AMENDMENTS NO. 3 AND 4**AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 25, TITLE  
24 OF THE DELAWARE CODE RELATING TO THE  
LABELING OF PHARMACEUTICAL PRESCRIPTIONS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each House concurring therein):*

Section 1. Amend present Section 2563, Subchapter IV, Chapter 25, Title 24 of the Delaware Code, by re-numbering said Section as new § 2564.

Section 2. Amend Subchapter IV, Chapter 25, Title 24 of the Delaware Code, by adding thereto a new Section, to be known and designated as Section 2563, which new Section shall read as follows:

**§ 2563. Labeling of prescriptions**

Any person prescribing any drug to be prepared by a pharmacist for the use of a patient or any third person must, as a part of the prescription, include directions describing the exact method by which the drug or medicine prescribed must be taken or administered. Blank prescriptions or prescriptions bearing the notation 'as directed' are prohibited.

Any pharmacist licensed within this State to dispense drugs or fill prescriptions issued by physicians, dentists or veterinarians shall affix to every container in which any drug is sold or dispensed a label containing the following information:

1. The prescription number;
2. The date such drugs were originally dispensed to the patient;
3. The patient's full name;

4. The brand or established name and the strength of the drug to the extent that it can be measured;
5. The physician's directions as found on the prescription;
6. The physician's name;
7. The name of the pharmacy.

Physicians who, for good reason, do not wish to reveal the name or strength of the drug prescribed to the patient shall so inform the pharmacist by a notation on the face of the prescription. However, physicians who sell or dispense drugs directly to patients shall label all such drugs in accordance with this Section.

Approved July 9, 1971.

## CHAPTER 245

FORMERLY HOUSE SUBSTITUTE NO. 1  
FOR HOUSE BILL NO. 246**AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION  
TO THE DEPARTMENT OF HEALTH AND SOCIAL SER-  
VICES FOR THE ENFORCEMENT OF DRUG DISTRIBUTION LAWS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Twenty-Five Thousand Dollars (\$25,000) is hereby appropriated to the Department of Health and Social Services for the purpose of enabling that Department better to monitor and control the distribution of drugs from pharmaceutical sources as provided by law.

Section 2. This is a supplementary appropriation act, and funds herein appropriated shall be paid out of monies from the General Fund not otherwise appropriated.

Section 3. Funds hereby appropriated remaining unexpended on June 30, 1972, shall revert to the General Fund on that date.

Approved July 9, 1971.

CHAPTER 246

FORMERLY HOUSE BILL NO. 277

**AN ACT TO AMEND CHAPTER 45, TITLE 7, DELAWARE CODE, RELATING TO THE SALE OF PUBLIC LANDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend paragraph (c), Section 4520, Chapter 45, Title 7, Delaware Code, by striking said paragraph and substituting in lieu thereof a new paragraph (c) which shall read as follows:

(c) Nothing in this section shall be construed to prohibit the Division of Highways and Transportation, its successor or successors from selling, transferring, conveying, trading or leasing lands which it no longer needs for highway purposes as is provided in Title 17, Delaware Code, Section 137; Title 17, Delaware Code, Section 175; and Title 17, Delaware Code, Section 607 (g).

Section 2. Amend Section 4520, Chapter 45, Title 7, Delaware Code, by adding a new paragraph (d) which shall read as follows:

(d) No public lands, except as hereinabove set forth, shall be transferred or conveyed to or otherwise placed under the control of any person or persons, state, county, or municipality or any governmental agency, whether foreign or domestic, having the power to sell or lease such lands unless the Legislature specifically approves the same and unless done in conformity with the requirements of this chapter.

Approved July 9, 1971.

## CHAPTER 247

## FORMERLY HOUSE BILL NO. 305

**AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES AND THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF FUNDING AN EXPANDED ANTI-DRUG-ABUSE PROGRAM.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Four Hundred Seventy-Six Thousand Eight Hundred Eight Dollars (\$476,808) is hereby appropriated to the Department of Health and Social Services for the expansion of Delaware's anti-drug-abuse program. This sum is to be allocated as follows:

Counsellors	\$ 49,800
Administration	37,308
Contractual Services	164,500
Treatment Centers	<u>225,200</u>
	\$476,808

Section 2. The sum of Fifty Thousand Dollars (\$50,000) is hereby appropriated to the Department of Public Safety for use in expanded enforcement of drug laws.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the funds in the General Fund of the State not otherwise appropriated.

Section 4. Funds appropriated herein remaining unexpended shall revert to the General Fund of the State of Delaware on June 30, 1972.

Approved July 9, 1971.

## CHAPTER 248

FORMERLY HOUSE BILL NO. 317  
AS AMENDED BY  
HOUSE AMENDMENTS NO. 1 AND 2**AN ACT TO AMEND TITLE 4, CHAPTER 11, DELAWARE CODE, RELATING TO SEIZURE AND CONFISCATION OF ALCOHOLIC LIQUOR AND PROPERTY USED IN OFFENSES AGAINST THE LIQUOR CONTROL ACT AND THE RULES OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSION AND PROVIDING FOR THE DISPOSITION THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 4, Chapter 11, Section 1101, paragraph (a), Delaware Code, by putting a period after the second use of the word "Commission" in the first sentence and before the word "which" and by striking therefrom the last clause of the first sentence which reads as follows:

"... which shall keep them in its custody until the court has disposed of them by a judgment."

Section 2. Amend Title 4, Chapter 11, Section 1101, Delaware Code, by adding a new paragraph (c) as follows:

(c) The provisions of this section shall not at any time or in any instance apply to persons transporting alcoholic liquor under Sections 501 and 724 of this title.

Section 3. Amend Title 4, Chapter 11, Section 1102, paragraph (b), Delaware Code, by putting a period after the word "Commission" and before the word "which" and by striking therefrom the final clause which reads as follows:

"... which shall keep them in its custody until the Commission has disposed of them by a judgment."

Section 4. Amend Title 4, Chapter 11, Section 1105, Delaware Code, by striking all of said section and inserting in lieu thereof a new Section 1105 to read as follows:

**§ 1105. Retention of seized property; return to owner**

All property seized and delivered into the possession of the Commission shall be disposed of in the following manner:

(a) The enforcement officers of the Commission or the peace officers who seized said property shall give written notice to the person whom they reasonably believe to be the owner of said property, and to the person from whom the property was seized, if they reasonably believe such person is not the owner, that such persons may within ten days of the date of notice and upon proof, satisfactory to the Commission that such property had not been used in connection with any violation of any of the provisions of this title, or of the rules of the Commission, or both, if so used, that the use was without the knowledge, acquiescence or consent of the rightful owner, his agent, employee or servant, return said property to the rightful owner. Any dispute between the enforcement personnel of the Commission and the person believed to be the rightful owner or the person from whom the property was seized, shall be resolved by a hearing before the Commission. The Commission's decision shall be final and conclusive unless any party, having appeared before the Commission, appeals to the Superior Court of the State of Delaware within ten days of the date of the written decision.

(b) Any property seized pursuant to the provisions of this chapter which consists of alcoholic liquor and its container may, after the provisions of subparagraph (a) of this section have been complied with, be offered for sale to the licensed Delaware importers of alcoholic liquor at the prevailing price paid by the importers for like brands and quality. If the alcoholic liquor is distributed in this State by more than one licensed importer, then the Commission shall offer said seized alcoholic liquor to all importers who engage in the sale of such brand of alcoholic liquor. If said seized alcoholic liquor is purchased by a licensed Delaware importer, the importer shall issue to the Commission a voucher showing at least the following facts:

- (1) The date of the purchase,
- (2) The purchase price of each item purchased,
- (3) And the quantity and nature of the item purchased.

At the subsequent direction of the Commission, the licensed Delaware importer which purchased the liquor shall:

(1) If the owner of the alcoholic liquor or the person from whom the liquor was seized, if different from the person reasonably believed to be the owner, shall be found guilty of the offenses in violation of The Liquor Control Act or the rules of this Commission or both, issue its check payable to the Commission in the amount of the total purchase price shown on the voucher, which amount shall be applied by the Commission as provided in Section 1110 of this Act as proceeds of a sale authorized by order of court: or,

(2) If the owner of the alcoholic liquor and the person from whom the liquor was seized, if different from the person reasonably believed to be the owner, shall be acquitted of the offenses alleged to have been in violation of The Liquor Control Act or the rules of this Commission or both, issue its check payable to such person, or, at such person's election, deliver alcoholic liquor of the same or similar nature and quantity described in the voucher to such person.

(c) The enforcement officers of the Commission, with the advice of other peace officers of this State, may retain all or part of the alcoholic liquor and its containers seized for use as evidence for as long a period as they deem necessary. Thereafter it may be disposed pursuant to Chapter 11, Title 4, Delaware Code.

(d) All other such seized property shall be disposed of as is provided in Chapter 11, Title 4, Delaware Code.

Section 5. Amend Title 4, Chapter 11, Section 1107, Delaware Code, by striking all of the provisions thereof and inserting in lieu thereof a new Section 1107 to read as follows:

**§ 1107. Commission's report and petition to court**

The Commission shall, from time to time in its discretion, file a report and petition in the Superior Court in any county of the State. The report and petition shall set forth (1) the date of the filing of the last proceeding report, with term number thereof, (2) an itemized list of all property seized and delivered to the Commission under this chapter with the date of seizure of each

item, but the report may not include property previously disposed of under the provisions of this chapter or involved in pending offenses either before the courts of the State or the Commission. (3) A statement of the circumstances of each seizure with the names and addresses, so far as known, of any persons in possession of the property at the time of the seizure thereof, and the names and addresses of any persons believed by the enforcement officers of the Commission or the peace officers who made the seizure to be the rightful owners of said property (and as to motor vehicles, the lien holders thereon). (4) Whether or not any portion or part of the property listed in the report and petition was returned to others or other claimants, (5) a list of requests, if any, of State departments, agencies, institutions, hospitals, or other institutions supported in whole or in part by State appropriations, for any property seized and herein described, (6) the disposition of any prosecutions in any court of any cases involving offenses under this title or against the rules of the Commission and arising out of arrests made in connection with the seizure of any such property, and (7) a statement of the estimated value of each item of property listed in the report and petition, so far as may be ascertained, with the names and addresses, so far as known, of all persons claiming ownership of such property or any lien thereon. The report and petition shall request an order of the court as to the disposal of the property.

Approved July 9, 1971.

CHAPTER 249

FORMERLY HOUSE BILL NO. 330  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 11, SUBCHAPTER XVII, SECTION  
471, DELAWARE CODE, RELATING TO DISORDERLY  
CONDUCT WHILE UNDER THE INFLUENCE OF DAN-  
GEROUS DRUGS.**

*Be it enacted by the General Assembly of the State of  
Delaware (two-thirds of all the members elected to each House  
concurring therein):*

Section 1. Title 11, Subchapter XVII, Section 471, Delaware Code, is amended by inserting the words "or under the influence of dangerous drugs" after the word "intoxicated" and before the word "in" as the same appear in the second line of said Section 471.

Approved July 9, 1971.

## CHAPTER 250

FORMERLY HOUSE SUBSTITUTE NO. 2 FOR  
HOUSE BILL NO. 333  
AS AMENDED BY  
HOUSE AMENDMENTS NOS. 1, 3, 5 AND 6

**AN ACT TO AMEND TITLE 11, SUBCHAPTER XXXI, DELAWARE CODE BY PROVIDING FOR THE TREATMENT OF DRUG ABUSERS AND FOR THE DISPOSITION OF CERTAIN CHARGES PLACED AGAINST THEM.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 11, Subchapter XXXI, Delaware Code, by adding the following thereto:

§ 615. (a) For purposes of this section only, the following phrases shall have meanings respectively ascribed to them:

“Drug abuser” shall mean any person who compulsively and habitually used drugs to the extent that they injure his health and interfere with his social and economic functioning.

“A person under the influence of drugs” shall mean a person whose powers of self-control have been substantially impaired because of the consumption of a drug described in Title 16, Delaware Code, Chapter 47, and Chapter 49.

(b) The Director of the Division of Drug Abuse Control shall designate certain hospital, clinic, or other treatment facilities as “drug detoxification centers”. He shall so designate such a facility only when he is satisfied that the facility has the medical and other staff, as well as the equipment, to diagnose and treat drug abusers as provided for in this section.

(c) Upon arrest for any crime under this title or Title 16 of the Delaware Code, an arrestee who believes himself to be under the influence of drugs as defined in subsection (a) shall have the right to request immediate admission to a drug detoxification center. Whereupon the arresting officer shall, as soon as transportation is available and as soon as conditions at the scene of the

arrest permit, arrange to have said arrestee transported to the nearest available drug detoxification center.

(i) Provided, that no expression of a desire to be admitted to a drug detoxification center shall be admissible in evidence in any criminal prosecution against the arrestee.

(ii) Provided further, notwithstanding any provision of this Code to the contrary, that no arrestee shall be heard to object in any court to failure to arraign said arrestee before a magistrate during the period of his transportation to or stay in a drug detoxification center, or for a reasonable time not to exceed twenty-four (24) hours after his release.

(iii) Provided further, that any arresting officer shall, when he suspects an arrestee of being under the influence of drugs, inform the arrestee of his rights under this section.

(iv) Provided further, that no arrestee may revoke his request to be taken to a drug detoxification center after having made that request, and any drug detoxification center to which an arrestee is brought must consent to admission and testing of said arrestee, subject to limitations of facilities and staff.

(d) A drug detoxification center shall initially test admittees under this section to determine if said admittees are under the influence of drugs or are drug abusers. If tests prove negative, the admittee shall be released forthwith to the custody of the arresting authorities. Any arrestee requesting admission to a drug detoxification center is deemed to consent to all medical and psychiatric tests considered necessary by the center to carry out its function under this section. Provided, that no results of tests taken at a drug detoxification center or statements made by admittees under this section to drug detoxification center staff shall be admissible as evidence in a criminal prosecution against the admittee.

(e) Admittees under this section whom the drug detoxification center determines to be drug abusers shall be asked if they wish to receive further treatment. Those consenting to further treatment shall remain until discharged by the drug detoxification center or until they wish to leave. Provided, that no one admitted under this section shall be permitted to leave the drug detoxification center until the arresting police agency is notified.

(f) Upon a satisfactory showing to the court that a person is a drug abuser as defined in subsection (a) and has completed treatment under this section in a manner satisfactory to the Chairman of the Drug Diagnostic Team at the drug detoxification center to which he was admitted, the charge of consumption or use of the drug, under Sections 4722, 4723, 4903 (d) and 4904 of Title 16, shall be dismissed.

(g) Whenever a police officer sees a person whom he believes to have taken drugs to the point where that person needs medical treatment, the police officer may take that person into custody and arrange to have him taken to a drug detoxification center or arrange to secure other medical help. Provided, that this subsection shall apply whether or not the officer may under the circumstances lawfully arrest the person whom he believes to have taken drugs. Provided further, that no officer acting in good faith shall be subject to criminal or civil liability for any action under this subsection.

(h) To further the implementation of this section, the Director of the Division of Drug Abuse Control may prescribe regulations for the operation of drug detoxification centers and may assist such drug detoxification centers by distributing to them such funds as the General Assembly may from time to time appropriate to him for his expenditure on their behalf.

Section 2. This Act shall become effective in the designated county fifteen days after the Governor signs an Executive Order that there is a Drug Detoxification Center properly equipped and staffed in such county.

Approved July 9, 1971.

## CHAPTER 251

FORMERLY HOUSE BILL NO. 340  
AS AMENDED BY  
HOUSE AMENDMENTS NO. 1, 2, AND 3**AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 23, TITLE 19, DELAWARE CODE, RELATING TO COMPENSATION PAYABLE TO WORKMEN'S COMPENSATION CLAIMANTS FOR SERIOUS AND PERMANENT DISFIGUREMENT TO ANY PART OF THE HUMAN BODY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 2326, Subchapter 11, Chapter 23, Title 19, Delaware Code, is amended by striking the first paragraph of subsection (f) of said section in its entirety, and inserting in lieu thereof a new paragraph to read as follows:

The Board shall award proper and equitable compensation for serious and permanent disfigurement to any part of the human body up to 150 weeks, provided that such disfigurement is visible and offensive when the body is clothed normally, which shall be paid to the employee at the rate of  $66 \frac{2}{3}$  per centum of his weekly wages. In the event that the nature of the injury causes both disfigurement to and loss or loss of use of the same part of the human body, the maximum compensation payable under this subsection for that part of the body shall be the higher of either (i) the amount of compensation found to be due for disfigurement without regard to compensation for loss of or loss of use, or (ii) the amount of compensation due for loss of or loss of use plus 20 percent thereof for disfigurement.

Section 2. The provisions of this Act shall apply to all awards of compensation for disfigurement made on or after the effective date of this Act, regardless of the date of the accident.

Section 3. If any clause, sentence, or part of this Act or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act.

Approved July 9, 1971.

## CHAPTER 252

FORMERLY HOUSE BILL NO. 348  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 6, TITLE 7 OF THE DELAWARE CODE PROHIBITING THE TRAFFIC IN HIDES AND SKINS OF CERTAIN SPECIES OF NEWBORN SEALS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 602, Chapter 6, Title 7 of the Delaware Code, by adding the following sentence thereto:

Harp Seals (*Phoca groenlandica*).

Section 2. This Act shall become effective six (6) months after signature by the Governor.

Approved July 9, 1971.

## CHAPTER 253

FORMERLY HOUSE BILL NO. 399  
AS AMENDED BY  
HOUSE AMENDMENT NO. 3**AN ACT RELATING TO DELAWARE CODE REVISION BY  
AMENDING SECTIONS 201, 202, 210, 211, 213 AND 220,  
TITLE 1, DELAWARE CODE, AND REPEALING SECTION  
2504 (h), TITLE 29, DELAWARE CODE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 2, Section 201, Title 1, Delaware Code, by striking Section 201 in its entirety and substituting in lieu thereof the following:

**§ 201. Appointment; composition**

The Delaware Code Revisors (the Revisors) shall consist of two attorneys at law licensed to practice law before the Supreme Court of the State of Delaware who shall be appointed by the Governor. At the time of appointment, the two attorneys shall not be members of the same political party. One shall be appointed for a period terminating with the 126th General Assembly and one shall be appointed for a period terminating with the 127th General Assembly. Thereafter all appointments shall be for a term of four years. In case of a vacancy the Governor shall make an appointment for the unexpired term.

Section 2. Amend Section 202, Title 1, Delaware Code, by striking Section 202 in its entirety and substituting in lieu thereof the following:

**§ 202. Compensation and expenses**

Each Revisor shall be paid an annual salary of \$5,000 and shall be reimbursed by the Legislative Council for necessary out-of-pocket and travel expenses incurred in performing his duties under this chapter.

Section 3. Amend Section 210, Title 1, Delaware Code, by

striking Section 210 in its entirety and substituting in lieu thereof the following:

**§ 210. General duty of Revisors**

The Delaware Code Revisors shall prepare not later than the end of each regular session the necessary information for the biannual supplements to each volume of the Delaware Code of 1953, containing the amendments to the Code and all other general and permanent laws which have become law since the publication of the last supplements, noting the sections that have been repealed and generally bringing the Code up to date. Such supplements may also contain additional annotations based upon court decisions.

Section 4. Amend Sections 211, 212, 213 and 220, Title 1, Delaware Code, by striking the word "Commission" wherever the same appears and substituting in lieu thereof the word "Revisors".

Section 5. Amend Section 212, Title 1, Delaware Code, by inserting the following words between the word "shall" and the word "upon", as the same appear on line 1 of said section, the following:

"after consultation with the Legislative Council".

Section 6. Amend Section 213, Title 1, Delaware Code, by inserting the following words after the word "shall" and before the word "cause", as the same appear on line 1 of said section, the following:

"after consultation with the Legislative Council".

Section 7. Amend Section 220, Title 1, Delaware Code, by striking the words "Secretary of State" as the same appear in lines 1 and 2 of said section, and substituting in lieu thereof the words "Legislative Council".

Section 8. Amend Section 2504 (h), Title 29, Delaware Code, by striking said Section 2504 (h) in its entirety.

Approved July 9, 1971.

## CHAPTER 254

FORMERLY HOUSE BILL NO. 411  
AS AMENDED BY HOUSE AMENDMENTS NO. 1 AND 2,  
SENATE AMENDMENT NO. 1  
AND HOUSE AMENDMENT NO. 3

**AN ACT TO AMEND TITLE 14, DELAWARE CODE, BY CREATING A NEW CHAPTER 42 RELATING TO EDUCATION; PROVIDING FOR THE DRUG ABUSE EDUCATION ACT OF 1971 ESTABLISHING A PROGRAM OF DRUG, NARCOTIC, ALCOHOL, AND TOBACCO EDUCATION; PROVIDING FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO ADMINISTER THE PROGRAM; AND REQUIRING A COURSE IN DRUG ABUSE EDUCATION FOR TEACHER CERTIFICATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 14, Delaware Code, by adding a new Chapter 42 to read as follows:

**"CHAPTER 42. DRUG ABUSE EDUCATION**

**§ 4201. Short title**

This Act shall be known and may be cited as the 'Drug Abuse Education Act of 1971'.

**§ 4202. Definition**

As used in this Chapter, the term 'drug' shall include barbiturates, central nervous system stimulants, hallucinogenics, and all other drugs to which the narcotic and drug abuse laws of the State of Delaware and the United States apply. It shall also include alcoholic and intoxicating liquor and beverages, and tobacco.

**§ 4203. Purposes; intent**

The purpose of this Act is to insure the further development (as begun by Chapter 551, Vol. 57, *Laws of Delaware* and the

Department of Public Instruction) of a comprehensive drug abuse education program for all children and youth in kindergarten and grades one (1) through twelve (12). It is the legislative intent that this program shall teach the adverse and dangerous effects on the human mind and body of drugs and that such instruction shall be intensive and that it shall be given immediate emphasis, beginning with the 1971-72 school year. It is further the intent of the Legislature that the voluntary services of persons from the professions of clergy, education, medicine, law enforcement, social services, and such other professionally and occupationally qualified individuals approved by the Director of the Office of Drug Abuse Control of the State of Delaware as can make a contribution to this program be utilized in its implementation so that the highest possible degree of expertise may be brought to bear.

**§ 4204. Administration of the comprehensive drug abuse education program**

The Superintendent of Public Instruction in cooperation with the Council of Presidents (consisting of the Presidents of the University of Delaware, Delaware State College, and Delaware Technical and Community College) shall administer the comprehensive Drug Abuse Education Act of 1971 pursuant to regulations adopted by the State Board of Education. In administering this Act, the Superintendent and the Council of Presidents shall take into consideration the advice of the Director of the Office of Drug Abuse Control of the Department of Health and Social Services and the Advisory Committee, and the Superintendent is authorized to reimburse consultants not employed by the State for travel and other expenses, as provided by law, when performing advisory services requested by the Superintendent.

Priorities for the implementation of this program shall include the following:

(a) The development of inservice education programs for teachers, administrators, and other personnel. Special emphasis shall be placed on methods and materials necessary for the effective teaching of drug abuse education. Inservice teacher education materials which are based on individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts. The 'Triple T'

or 'Multiplier' concept may be utilized in the implementation of inservice education programs in drug abuse education.

(b) Expand degree programs in institutions of higher education in this State for the preparation of drug education specialists. Special attention shall be given to performance-based criteria and to the development and articulation of appropriate drug abuse education courses at junior, as well as, senior colleges.

(c) Design programs for the selection and training of school para-professional personnel and personnel of non-school health or health-related agencies.

(d) Implementing the provisions of this Act in conjunction with Chapter 551, Vol. 57, *Laws of Delaware*, to insure that actual pupil instruction in drug abuse education will begin during the 1971-72 school year as part of the curriculum of every elementary, junior, and senior high school in this State.

#### **§ 4205. Inclusion of all teachers in inservice training**

No teacher or school administrator employed by a nonpublic school shall be excluded from participating in inservice teacher education institutes or curriculum development programs conducted pursuant to this Act.

#### **§ 4206. Pupil exemptions**

Any child whose parent presents to the school principal a signed statement that the teaching of disease, its symptoms, development and treatment and the use of instructional aids and materials of such subjects conflict with the religious teachings of his church, shall be exempt from such instruction, and no child so exempt shall be penalized by reason of such exemption.

Section 2. Amend Chapter 12, Title 14, Delaware Code, by adding thereto a new section 1206 which shall read as follows:

#### **§ 1206. Drug abuse education certification requirements**

All institutions of higher education in the State of Delaware which include teacher training programs in their curriculum shall offer a credit course of at least two hours in Drug Abuse

Education as a part of the certification requirements for all teachers in the State of Delaware.

The State Board shall require all teachers and may require any school employees it so designates, unless such employees can present satisfactory evidence of completion of Drug Abuse Education training, to participate in inservice education programs or to take a two-hour credit course in Drug Abuse Education. Subsequent to the effective date of this Act new employees shall have one year from the initial date of employment to comply with the terms of this Act.

This section shall be fully implemented by February 1, 1974.

Approved July 9, 1971.

CHAPTER 255

FORMERLY HOUSE BILL NO. 440

**AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE, RELATING TO LANDLORD AND TENANT BY PROVIDING THAT IN DEMISES WHEREBY THE LANDLORD SUPPLIES HEAT, IT SHALL BE SUPPLIED FROM OCTOBER 1 TO JUNE 1 IN ANY GIVEN YEAR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 25, Delaware Code, Chapter 51 by adding a new Section thereto to be denoted as Section 5113 and shall read as follows:

**s 5113. Landlord to supply heat; October 1 – June 1**

With respect to any demise whereby the landlord agrees to supply heat to the premises, the landlord shall continue to maintain it from October 1 to June 1 of any given year.

Approved July 9, 1971

## CHAPTER 256

FORMERLY HOUSE BILL NO. 279  
AS AMENDED BY HOUSE AMENDMENT NO. 1  
AND SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 1, TITLE 17, DELAWARE  
CODE, RELATING TO THE ACQUISITION AND  
SALE OF REAL PROPERTY AND THE POWER OF  
EMINENT DOMAIN BY THE DEPARTMENT OF  
HIGHWAYS AND TRANSPORTATION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Section 137, Chapter 1, Title 17,  
Delaware Code, by striking said section in its entirety and  
substituting in lieu thereof the following:

**§ 137. Purchase, sale and disposition of real property**

(a) The Department, in the name of the State of Delaware,  
may acquire private or public property and property rights for  
highway facilities and service roads, including rights to access, air,  
view and light by gift, devise, purchase or in the exercise of the  
power of eminent domain, acquire the same by condemnation by  
proceeding in the manner prescribed in Chapter 61, Title 10,  
Delaware Code, in the same manner as such is now or may, after  
date of enactment of this measure, be authorized by law to  
acquire such property or property rights in connection with  
highways and streets within its jurisdiction. All property rights so  
acquired shall be in fee simple absolute.

(b) When any property heretofor or hereafter acquired,  
either by gift, purchase or condemnation, is no longer needed for  
highway purposes, the Department may sell the same, at a price to  
be determined by unbiased fee appraiser, granting and conveying  
to the purchaser thereof a fee simple title thereto.

Section 2. Amend Section 138, Chapter 1, Title 17,  
Delaware Code, by striking said section in its entirety and  
substituting in lieu thereof the following:

**§ 138. Acquisition of uneconomic remnants of land along right-of-way**

In addition to the powers now vested in the Department for the acquisition of lands or rights therein by virtue of any statute, the Department may, in its discretion, acquire by gift, devise, purchase or in the exercise of the power of eminent domain, acquire by condemnation by proceeding in the manner prescribed in Chapter 61, Title 10, Delaware Code, an entire lot, block or tract of land if, by so doing, the interests of the public will be best served even though said entire lot, block or tract is not needed for the right-of-way proper but only if the portion outside the normal right-of-way is landlocked or is so situated so as to give rise to claims or litigation concerning severance or other damage and that the cost of acquisition to the State will be practically equivalent to the total value of the whole parcel of land and where the parcel remaining is of such little value to the owner.

Approved July 10, 1971.

## CHAPTER 257

FORMERLY HOUSE BILL NO. 419  
AS AMENDED BY HOUSE AMENDMENT NO. 2**AN ACT MAKING TECHNICAL AMENDMENTS TO THE  
REVISED INCOME TAX LAW RELATING TO INDIVIDU-  
ALS, TRUSTS, ESTATES AND CERTAIN CORPORA-  
TIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 1126, Title 30, Delaware Code, by adding in the first sentence after the words "his itemized deductions" and before the words "shall be limited" the words "and personal exemptions".

Section 2. Amend Section 1142, Title 30, Delaware Code, by deleting therefrom in the first sentence the word and figure "section 1124", and inserting in lieu thereof the word and figure "section 1122".

Section 3. Amend subsection (c), Section 1151, Title 30, Delaware Code, by inserting the words "or other remuneration" between the words "wages" and "and", as the same appear on line 3 of said subsection; and by inserting the words "or other remuneration" between the words "wages" and "and", as the same appear on line 9 of said subsection.

Section 4. Amend subsection (a), Section 1151, Title 30, Delaware Code, by inserting in the first sentence after the words "making payment of any wages" and before the words "taxable under this chapter" the words "or other remuneration", and by inserting in the first sentence after the words "whose wages" and before the words "are subject" the words "or other remuneration".

Section 5. Amend Section 1152, Title 30, Delaware Code, by striking the date "February 15" and inserting in lieu thereof the date "January 31"; and by inserting the words "or other remuneration" between the words "wages" and "of", as the same appear on line 2 of said section; and by inserting the words "or

other remuneration" between the words "wages" and "paid" on line 3 of said section; and by inserting the words "or other remuneration" between the words "wages" and "is" on line 7 of said section; and by inserting the words "or other remuneration" between the words "wages" and "paid" on line 8 of said section.

Section 6. Section 1161, Chapter 11, Title 30, Delaware Code, is amended by deleting paragraph (1) therefrom and substituting in lieu thereof the following:

"(1) Every resident individual who (a) is required to file a federal income tax return for the taxable year, or (B) has for the taxable year adjusted gross income as modified by Section 1106 of this title of more than \$600, except that a return shall not be required of an individual who is entitled to file a joint federal income tax return for the taxable year, and whose gross income, when combined with the gross income of his spouse, is less than \$1,200.

The amounts specified in paragraph (1) (B) of this section shall be increased by \$600 for each personal exemption in excess of one to which the resident individual or his spouse is entitled under Section 1110 of this title."

Section 7. Amend Section 1199, Title 30, Delaware Code, by adding a new subsection (e) to read as follows:

"(e) If any refund of any overpayment of tax arising out of a claim for refund or amended return is made within three months after the date such claim or amended return is filed, no interest shall be allowed on such overpayment."

Approved July 10, 1971.

## CHAPTER 258

FORMERLY HOUSE BILL NO. 434  
AS AMENDED BY HOUSE AMENDMENT NO. 3**AN ACT TO AMEND TITLE 15, DELAWARE CODE, RELATING TO THE ELECTION LAWS OF DELAWARE BY AMENDING CHAPTERS 31 AND 33, AND MAKING CERTAIN CHANGES IN PROVISIONS RELATING TO PRIMARY ELECTIONS AND NOMINATIONS OF CANDIDATES, AND NOMINATIONS OF CANDIDATES BY PARTIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subsection 3102 (a), Title 15, Delaware Code, is amended by deleting the words "third Tuesday in April" as they appear therein and inserting in lieu thereof the words "second Tuesday in July".

Section 2. Subsection 3102 (b), Title 15, Delaware Code, is amended by deleting the words "third Tuesday in June" and inserting in lieu thereof the words "Saturday immediately following the first Monday in September".

Section 3. Subsection 3107 (a) (2) (A), Title 15, Delaware Code, is amended by deleting the words "on the third Tuesday in May" as they appear in the first sentence of said subsection, and inserting in lieu thereof the words "on the Tuesday prior to their party's convention".

Section 4. Subsection 3107 (a) (2) (A), Title 15, Delaware Code, is further amended by deleting the words "the third Tuesday in May" as they appear in the second sentence of said subsection, and inserting in lieu thereof the words "the Tuesday prior to their party's convention".

Section 5. Subsection 3107 (a) (2) (B), Title 15, Delaware Code, is amended by deleting the words "second Friday in March" wherever they appear, and inserting in lieu thereof the words "second Tuesday in June".

Section 6. Subsection 3108 (a), Title 15, Delaware Code, is amended by deleting the words "Monday following the third Saturday in March" as they appear therein, and inserting in lieu thereof the words "third Tuesday in June".

Section 7. Subsection 3108 (b), Title 15, Delaware Code, is amended by deleting the words "Monday following the third Saturday in May" as they appear therein, and inserting in lieu thereof the words "on the fifth day following their party's convention".

Section 8. Section 3116, Title 15, Delaware Code, is amended by deleting the words "3rd Tuesday in June" as they appear therein, and inserting in lieu thereof the words "Saturday immediately following the first Monday in September".

Section 9. Subsection 3301 (c) (i), Title 15, Delaware Code, is amended by deleting the words "second Saturday in May" as they appear therein, and inserting in lieu thereof the words "fourth Saturday in July".

Section 10. Section 3303, Title 15, Delaware Code, is amended by striking the "." as it appears after the word "day." at the end of said section, and inserting in lieu thereof the following:

"; except for offices where there is to be a contest in a primary election to be held, the Saturday immediately following the first Monday in September of a general election year. Winners of these contests shall be named on certificates of nominations to be filed before 12 o'clock noon the Tuesday following said primary election."

Approved July 10, 1971.

## CHAPTER 259

FORMERLY SENATE BILL NO. 322  
AS AMENDED BY SENATE AMENDMENTS NO. 1 & 2  
AND HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND SUBCHAPTER II, CHAPTER 21, TITLE  
23 OF THE DELAWARE CODE RELATING TO SAFETY  
EQUIPMENT REQUIRED FOR BOATS LICENSED BY THE  
STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend paragraph (e), Section 2118, Chapter 21, Title 23 of the Delaware Code, by striking said paragraph in its entirety, and substituting in lieu thereof a new paragraph (e) which shall read as follows:

(e) Every vessel shall carry at least one life jacket or vest-type preserver, United States Coast Guard approved, for each person on board, so placed as to be readily accessible: provided, that every motorboat carrying passengers for hire shall carry so placed as to be readily accessible, at least one life preserver (jacket) of the sort prescribed by the regulations of the Department for each person on board.

Section 2. Amend paragraph (f), Section 2118, Chapter 21, Title 23 of the Delaware Code, by striking said paragraph in its entirety, and substituting in lieu thereof a new paragraph (f) which shall read as follows:

(f) Every motorboat of Class A and Class 1 shall be provided with at least one B-1 United States Coast Guard approved-type fire extinguisher, capable of promptly and effectively extinguishing burning gasoline. Every motorboat of Classes 2 and 3 shall be equipped as prescribed by the United States Coast Guard. Fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

Section 3. Amend Section 2118, Subchapter 11, Chapter 21, Title 23 of the Delaware Code, by adding a new paragraph, designated as paragraph (m), which shall read as follows:

(m) All motorboats shall carry at least four pyrotechnic distress signals, of which not less than two shall be daylight smoke signals.

Section 4. The provisions of this Act shall become effective January 1, 1972.

Approved July 10, 1971.

## CHAPTER 260

FORMERLY HOUSE BILL NO. 410  
AS AMENDED BY HOUSE AMENDMENT NO. 1  
AND SENATE AMENDMENT NO. 1

**AN ACT TO AMEND AN ACT ENTITLED: "AN ACT TO  
RE-INCORPORATE THE TOWN OF LEIPSIC" RELATING  
TO THE ADOPTION AND ENFORCEMENT OF TOWN  
ORDINANCES.**

*Be it enacted by the General Assembly of the State of  
Delaware (two-thirds of the Members of each House concurring  
therein):*

Section 1. Amend Chapter 282, Volume 21, Laws of Delaware, by placing a "." after the word "town" and before the phrase "at which election" as the same appear in the fourth line of the first sentence of Section 3 thereof, and by striking the remainder of such sentence and inserting in lieu thereof a new sentence to read as follows:

Citizens residing within the town limits who would be eligible to vote in a State election were it held at the same time shall have a right to vote at said election.

Approved July 12, 1971.

CHAPTER 261

FORMERLY HOUSE BILL NO. 10  
AS AMENDED BY HOUSE AMENDMENT NO. 2

**AN ACT TO AMEND CHAPTER 17, TITLE 9, DELAWARE  
CODE, RELATING TO PENSIONS FOR EMPLOYEES OF  
NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 1701, Chapter 17, Title 9, Delaware Code, is amended by adding after the word "Delaware", as the same appears in Line 6, the following words:

"or the Treasurer of the Delaware River and Bay Authority".

Section 3. Amend §1701, Chapter 17, Title 9 of the Delaware Code, by adding the following sentence thereto:

"Notwithstanding other provisions of this Chapter, the County Council of New Castle County shall determine whether or not time spent by persons in the employment of the New Castle County Police or the Delaware River and Bay Authority shall be deemed time spent in covered employment in the determination of pension and other benefits."

Approved July 13, 1971.

## CHAPTER 262

FORMERLY HOUSE BILL NO. 33  
AS AMENDED BY HOUSE AMENDMENT NO. 1  
AND SENATE AMENDMENT NO. 3

**AN ACT TO AMEND SECTIONS 1092, 1201, 1202, AND 1312  
OF TITLE 14, DELAWARE CODE, RELATING TO QUALI-  
FICATIONS OF EMPLOYEES OF A REORGANIZED  
SCHOOL DISTRICT AND TEACHER CERTIFICATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 14, Delaware Code, by striking Section 1092 in its entirety and inserting in lieu thereof a new Section 1092 to read as follows:

“§ 1092. Every employee of a reorganized school district must meet standards for qualification as adopted by the State Board of Education, and be certified or otherwise licensed in accordance with these standards in order to be placed on the official payroll of the reorganized school district.”

Section 2. Amend Title 14, Delaware Code, by striking Section 1201 in its entirety and inserting in lieu thereof a new Section 1201 to read as follows:

“§ 1201. This Chapter shall apply to the State Board of Education as the board having authority to pass rules and regulations governing the qualification and certification of teachers in the public schools of the State of Delaware; except that certificates issued by other certifying boards prior to the effective date of this Act concerning qualification and certification of teachers shall be honored by the State Board of Education.”

Section 3. Amend Title 14, Delaware Code, by striking Section 1202 in its entirety and inserting in lieu thereof a new Section 1202 to read as follows:

“§ 1202. Teachers who fully meet the initial requirements for certification, and who have served for a period of three (3) years in the type of position for which the certificate is

appropriate, shall be issued a 'Professional Status Certificate.' Such Professional Status Certificate shall be issued to cover a term of five (5) years."

Section 4. Amend paragraph (b), Section 1312, Chapter 13, Title 14 of the Delaware Code by striking the following phrase: "or the Board of Education of the City of Wilmington, as the case may be."

Section 5. Amend paragraph (b), § 1312, Chapter 13, Title 14, Delaware Code, by redesignating that paragraph to be paragraph (c).

Section 6. Amend § 1312, Chapter 13, Title 14, Delaware Code, by inserting in that Section a new paragraph (b) as follows:

"(b) In the case of a person employed as a teacher of Trades and Industries, or as a Coordinator of Distributive Education, work experience shall be allowed on a year for year basis for full-time work experience in the trade of the teaching subject for those years of work experience beyond years counted toward qualification for certification under Rules and Regulations of the State Board of Education. One hundred and thirty-one working days in any school year shall constitute one year of work experience but not more than one year of experience may be credited for any one calendar year."

Approved July 13, 1971.

## CHAPTER 263

FORMERLY HOUSE BILL NO. 54  
AS AMENDED BY HOUSE AMENDMENTS NO. 3, 5, AND 7

AN ACT TO AID CERTAIN FIRE COMPANIES WHICH ARE  
ORGANIZED TO EXTINGUISH FIRES OR MAINTAIN  
AMBULANCES OR RESCUE TRUCKS, BY MAKING AP-  
PROPRIATIONS FOR THEM.

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House concurring therein):*

Section 1. There is appropriated to the listed fire companies, for the fiscal year beginning July 1, 1971, the following sums to be used for the prevention and extinguishment of fires throughout the state and for the maintenance of apparatus and equipment:

New Castle County		
Aetna Hose, Hook and Ladder Co.	Newark	\$ 2,500
Belvedere Volunteer Fire Co.	Belvedere	2,500
Brandywine Hundred Fire Co.	Bellefonte	2,500
Christiana Fire Co.	Christiana	2,500
Claymont Fire Co.	Claymont	2,500
Cranston Heights Fire Co.	Cranston Heights	2,500
Delaware City Fire Co.	Delaware City	2,500
Elsmere Fire Co.	Elsmere	2,500
Five Points Fire Co.	Richardson Park	2,500
Goodwill Fire Co.	New Castle	2,500
Hockessin Fire Co.	Hockessin	2,500
Holloway Terrace Fire Co.	Holloway Terrace	2,500
Mill Creek Fire Co.	Marshallton	2,500
Minquadale Fire Co.	Minquadale	2,500
Minquas Fire Co.	Newport	2,500
Odessa Fire Co., Inc.	Odessa	2,500
Port Penn Volunteer Fire Co.	Port Penn	2,500
Talleyville Fire Co.	Talleyville	2,500
Townsend Fire Co.	Townsend	2,500
Volunteer Hose Co., Inc.	Middletown	2,500
Wilmington Manor Fire Co.	Wilmington Manor	2,500

<b>Kent County</b>		
Bowers Volunteer Fire Co.	Bowers	2,500
Camden-Wyoming Fire Co.	Camden	2,500
Carlisle Fire Co.	Milford	2,500
Cheswold Volunteer Fire Co.	Cheswold	2,500
Citizens' Hose Co., Inc. No. 1	Smyrna	2,500
Clayton Fire Co.	Clayton	2,500
Dover Fire Dept.	Dover	2,500
Farmington Volunteer Fire Co.	Farmington	2,500
Felton Community Fire Co.	Felton	2,500
Frederica Volunteer Fire Co.	Frederica	2,500
Harrington Volunteer Fire Co.	Harrington	2,500
Hartly Volunteer Fire Co.	Hartly	2,500
Houston Volunteer Fire Co.	Houston	2,500
Leipsic Volunteer Fire Co.	Leipsic	2,500
Little Creek Volunteer Fire Co.	Little Creek	2,500
Magnolia Volunteer Fire Co.	Magnolia	2,500
Mary-Del Volunteer Fire Co.	Mary-Del	2,500
South Bowers Fire Co., Inc.	South Bowers	2,500
<b>Sussex County</b>		
Bethany Beach Volunteer Fire Co.	Bethany Beach	2,500
Blades Volunteer Fire Co.	Blades	2,500
Bridgeville Volunteer Fire Co.	Bridgeville	2,500
Dagsboro Fire Co.	Dagsboro	2,500
Delmar Fire Department, Inc.	Delmar	2,500
Ellendale Volunteer Fire Co.	Ellendale	2,500
Frankford Volunteer Fire Co.	Frankford	2,500
Georgetown Fire Company, Inc.	Georgetown	2,500
Greenwood Volunteer Fire Co.	Greenwood	2,500
Gumboro Volunteer Fire Co.	Gumboro	2,500
Indian River Volunteer Fire Co.	Indian River	2,500
Laurel Volunteer Fire Co.	Laurel	2,500
Lewes Fire Department	Lewes	2,500
Millsboro Fire Co.	Millsboro	2,500
Milton Volunteer Fire Co.	Milton	2,500
Millville Volunteer Fire Co.	Millville	2,500
Rehoboth Volunteer Fire Co.	Rehoboth Beach	2,500
Roxanna Volunteer Fire Co.	Roxanna	2,500
Seaford Volunteer Fire Co.	Seaford	2,500
Selbyville Volunteer Fire Co.	Selbyville	2,500
Slaughter Beach Memorial Volunteer Fire Co.	Slaughter Beach	<u>2,500</u>
		\$150,000

Section 2. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1971, the following sums, to be used for the maintenance and operation of ambulances in the public service:

Aetna Hose, Hook and Ladder Co.	Newark	\$ 1,250
Blades Volunteer Fire Co.	Blades	1,250
Bridgeville Volunteer Fire Co.	Bridgeville	1,250
Bowers Volunteer Fire Co.	Bowers	1,250
Brandywine Hundred Fire Co.	Bellefonte	1,250
Camden-Wyoming Fire Co.	Camden	1,250
Carlisle Fire Co., Inc.	Milford	1,250
Cheswold Volunteer Fire Co.	Cheswold	1,250
Christiana Fire Co.	Christiana	1,250
Claymont Fire Co.	Claymont	1,250
Cranston Heights Fire Co.	Cranston Heights	1,250
Delmar Fire Department	Delmar	1,250
Ellendale Volunteer Fire Co.	Ellendale	1,250
Elsmere Fire Co.	Elsmere	1,250
Felton Community Fire Co.	Felton	1,250
Five Points Fire Co.	Richardson Park	1,250
Frankford Volunteer Fire Co.	Frankford	1,250
Goodwill Fire Co.	New Castle	1,250
Gumboro Volunteer Fire Co.	Gumboro	1,250
Harrington Volunteer Fire Co.	Harrington	1,250
Hartly Volunteer Fire Co.	Hartly	1,250
Holloway Terrace Fire Co.	Holloway Terrace	1,250
Hockessin Fire Co.	Hockessin	1,250
Laurel Volunteer Fire Department	Laurel	1,250
Leipsic Volunteer Fire Co., Inc.	Leipsic	1,250
Lewes Fire Department	Lewes	1,250
Mill Creek Fire Co.	Marshallton	1,250
Millville Volunteer Fire Co.	Millville	1,250
Milton Volunteer Fire Co.	Milton	1,250
Minquadale Fire Co.	Minquadale	1,250
Minquas Fire Co.	Newport	1,250
Rehoboth Volunteer Fire Co.	Rehoboth Beach	1,250
Seaford Volunteer Fire Co.	Seaford	1,250
Slaughter Beach Memorial Volunteer Fire Co.	Slaughter Beach	1,250
Talleyville Fire Co.	Talleyville	1,250
Wilmington Manor Fire Co.	Wilmington Manor	1,250
	<b>TOTAL</b>	<b>\$45,000</b>

Section 3. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1971, the following sums, to be used for the maintenance and operation of rescue trucks in the public service:

Aetna, Hose and Ladder Co.	Newark	\$ 1,250
Bethany Beach Fire Co.	Bethany Beach	1,250
Brandywine Hundred Fire Co.	Bellefonte	1,250
Bridgeville Volunteer Fire Co.	Bridgeville	1,250
Camden-Wyoming Fire Co.	Camden	1,250
Carlisle Fire Co.	Milford	1,250
Cheswold Vol. Fire Co.	Cheswold	1,250
Christiana Fire Co.	Christiana	1,250
Citizens' Hose Co., No. 1, Inc.	Smyrna	1,250
Claymont Fire Co.	Claymont	1,250
Clayton Fire Co.	Clayton	1,250
Delaware City Fire Co.	Delaware City	1,250
Delmar Fire Dept., Inc.	Delmar	1,250
Dover Fire Dept.	Dover	1,250
Elsmere Fire Co.	Elsmere	1,250
Felton Community Fire Co.	Felton	1,250
Five Points Fire Co.	Richardson Park	1,250
Frederica Volunteer Fire Company	Frederica	1,250
Greenwood Volunteer Fire Co.	Greenwood	1,250
Goodwill Fire Co.	New Castle	1,250
Harrington Vol. Fire Co.	Harrington	1,250
Hartly Vol. Fire Co.	Hartly	1,250
Holloway Terrace Fire Co.	Holloway Terrace	1,250
Laurel Volunteer Fire Co.	Laurel	1,250
Leipsic Volunteer Fire Co.	Leipsic	1,250
Lewes Fire Dept.	Lewes	1,250
Little Creek Fire Co.	Little Creek	1,250
Magnolia Volunteer Fire Co.	Magnolia	1,250
Mill Creek Fire Co.	Marshallton	1,250
Millsboro Fire Co.	Millsboro	1,250
Millville Vol. Fire Co.	Millville	1,250
Milton Vol. Fire Dept.	Milton	1,250
Minquadale Fire Co.	Minquadale	1,250
Minquas Fire Co.	Newport	1,250
Port Penn Vol. Fire Co.	Port Penn	1,250
Rehoboth Vol. Fire Co.	Rehoboth Beach	1,250
Roxanna Vol. Fire Co.	Roxanna	1,250
Seaford Volunteer Fire Dept.	Seaford	1,250

Selbyville Vol. Fire Co.	Selbyville	1,250
Slaughter Beach Memorial Vol. Fire Co.	Slaughter Beach	1,250
South Bowers Voluntary Fire Co., Inc.	South Bowers	1,250
Talleyville Fire Co.	Talleyville	1,250
Volunteer Hose Co.	Middletown	1,250
Wilmington Manor Fire Co.	Wilmington Manor	1,250
	<b>TOTAL</b>	<b>\$55,000</b>

Section 4. There is appropriated to the Mayor and Council of Wilmington, for the fiscal year beginning July 1, 1971, the following sum to be used for the prevention and extinguishment of fires throughout the City of Wilmington and for the maintenance of the apparatus and equipment of the 12 fire companies organized and equipped in the City:

\$30,000

**GRAND TOTAL \$280,000**

Section 5. The above said sums shall be paid by the State Treasurer within three months after the beginning of the fiscal year for which appropriated.

Section 6. This Act is a supplementary appropriation act and the monies appropriated shall be paid by the State Treasurer out of any monies in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 13, 1971.

## CHAPTER 264

## FORMERLY HOUSE BILL NO. 56

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO  
BOYS HOME OF DELAWARE, INC.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. The sum of \$50,000 is appropriated to Boys Home of Delaware, Inc., a Delaware corporation, for the fiscal year ending June 30, 1972. The said sum shall be paid by the State Treasurer upon a warrant signed by the Treasurer of the said corporation.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware from Funds not otherwise appropriated.

Approved July 13, 1971.

## CHAPTER 265

## FORMERLY HOUSE BILL NO. 59

**AN ACT RELATING TO EDUCATION OF THE CITIZENS OF DELAWARE BY MAKING AN APPROPRIATION TO THE "DELAWARE STATE FAIR, INC."**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House thereof concurring therein):*

Section 1. The sum of \$20,000 is appropriated to the "Delaware State Fair, Inc.", a corporation of the State of Delaware, to be used for prizes for achievements in agriculture, animal raising and in works of manual training and the domestic arts to be awarded at the annual State Fair.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1972, and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State not otherwise appropriated.

Approved July 13, 1971.

## CHAPTER 266

## FORMERLY HOUSE BILL NO. 61

**AN ACT TO AID ORGANIZATIONS MAINTAINING RESIDENTIAL FACILITIES BY MAKING APPROPRIATIONS THERETO.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. The sum of \$5,000 is appropriated to Palmer Home, Incorporated, a corporation of the State of Delaware, for the care and maintenance of old age persons at the Palmer Home in Dover, for operation expenses.

Section 2. The sum of \$5,000 is appropriated to the Layton Home for Aged Colored Persons for the care and maintenance of old age persons for operation expenses.

Section 3. The sums appropriated herein are for the fiscal year ending June 30, 1972.

Section 4. This Act is a supplementary appropriation and the monies appropriated shall be paid by the State Treasurer out of any monies in the General Fund of the State not otherwise appropriated.

Approved July 13, 1971.

## CHAPTER 267

## FORMERLY HOUSE BILL NO. 63

**AN ACT TO AID CERTAIN CIVIC ORGANIZATIONS WHICH  
MAINTAIN EMERGENCY VEHICLES BY MAKING AP-  
PROPRIATIONS THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House concurring therein):*

Section 1. There is appropriated to the listed organizations the following sums to be used for the operation and maintenance of ambulances in the public service:

American Legion, Sussex Post #8, Georgetown, Delaware:	\$1,250
American Legion, Kent Post #14, Smyrna, Delaware:	\$1,250
Selbyville American Post #39, Inc. Selbyville, Delaware:	\$1,250
Sussex Memorial Post #7422, V.F.W., Millsboro, Delaware:	\$1,250
<b>TOTAL</b>	<b>\$5,000</b>

Section 2. The above said sums shall be paid by the State Treasurer to said organizations within 3 months after the beginning of the fiscal year for which appropriated.

Section 3. This Act is a supplementary appropriation for the fiscal year ending June 30, 1972, and the monies appropriated shall be paid by the State Treasurer out of any monies in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 13, 1971.

CHAPTER 268

FORMERLY HOUSE BILL NO. 220  
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 51, TITLE 25, DELAWARE  
CODE, RELATING TO TERMS AND CONDITIONS OF  
RESIDENTIAL LEASES FOR PERSONS OVER 60 YEARS  
OF AGE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Chapter 51, Title 25, Delaware Code, is amended  
by adding thereto a new Section 5113 to read as follows:

**s 5113. Termination of leases upon death of tenants over 60  
years of age**

Every lease for a primary residence executed by a husband  
and wife either of which is 60 years of age or over shall terminate  
after the death of either spouse 30 days after notice from the  
surviving spouse of his or her desire to terminate, notwithstanding  
any contrary provisions or terms contained in such lease. However  
the legal representatives of such deceased spouse or the surviving  
spouse may, upon notice to the landlord, continue such lease  
under and subject to all the terms and conditions of the lease.

Approved July 13, 1971.

## CHAPTER 269

## FORMERLY HOUSE BILL NO. 313

**AN ACT TO AMEND CHAPTER 3, TITLE 25 OF THE DELAWARE CODE RELATING TO CONVEYANCES OF REAL ESTATE; TO CREATE EITHER JOINT TENANCY OR TENANCY IN COMMON OWNERSHIP OF REAL ESTATE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 3 of Title 25, Delaware Code, by adding thereto a new section to be designated as Section 311, to read as follows:

**§ 311. Conveyances of real estate to create either joint tenancy with right of survivorship or tenancy in common**

Any conveyance of real estate made by the grantor to himself, herself or itself and another or others, either as joint tenants, with right of survivorship, or as tenants in common, shall, if otherwise valid, be as fully effective to vest either an estate in joint tenancy with right of survivorship or an estate as tenancy in common, as the case may be, in such real estate, in the grantees named, including the grantor, as if the same had been conveyed by the grantor therein to a third party and by such third party to said grantees.

Approved July 13, 1971.

CHAPTER 270

FORMERLY HOUSE BILL NO. 325

**AN ACT TO AMEND SUBCHAPTER II, CHAPTER 14, TITLE 14, DELAWARE CODE, RELATING TO PROCEDURES FOR THE TERMINATION OF SERVICES OF PROFESSIONAL EMPLOYEES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1410, Title 14, Delaware Code, is hereby amended by striking the last sentence and inserting in lieu thereof the following sentence:

Such written notice shall state the reasons for such intended termination of services and shall be accompanied by a copy of this Act; provided, however, that this requirement shall not apply to those teachers employed temporarily to replace professional personnel on leave of absence, those holding temporary certificates, and those not having completed three years of service in the State, two years of which shall be in the employ of the terminating board.

Approved July 13, 1971.

## CHAPTER 271

FORMERLY HOUSE BILL NO. 359  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 172, VOLUME 55, LAWS OF DELAWARE, RELATING TO DUTIES AND POWERS OF THE WILMINGTON BOARD OF PUBLIC EDUCATION AND TO AMEND CHAPTER 367, VOLUME 57, LAWS OF DELAWARE, RELATING TO THE POWERS AND DUTIES OF THE WILMINGTON SCHOOL TAX COMMISSION.**

WHEREAS, the school tax rate for the City of Wilmington was always established by the General Assembly prior to 1970; and

WHEREAS, the General Assembly in 1970 established the Wilmington School Tax Commission composed of the Mayor, President of City Council, two (2) councilmen selected by the Mayor (one from each political party) and the President of the Wilmington Board of Education to review, evaluate and after serious deliberation establish the school tax rate for property owners in Wilmington; and

WHEREAS, in the two years this law has been in operation, the Wilmington Board of Education has failed to submit its proposed budget to the Commission before mid-March fully realizing that the tax commission must make its determination by March 31 of each year; and

WHEREAS, all school districts must submit their requests to the Department of Public Instruction by October 30 for their state funding; and

WHEREAS, there is no legitimate reason for the Wilmington Board of Education to withhold from the Wilmington School Tax Commission its budget proposal until ten days before the deadline; and

WHEREAS, the Wilmington school tax was increased by 21 cents in 1970 and will be increased by an additional 47 cents in 1971, neither increase of which occurred with the benefit of any public hearings; and

WHEREAS, in these two years (1970 and 1971) the tax commission had less than ten days to evaluate a multi-million dollar budget; and

WHEREAS, the Wilmington School Budget now exceeds \$10,000,000 annually; and

WHEREAS, it was the intention of the General Assembly that the Wilmington School Tax Commission would, on behalf of all its taxpayers, pass judgment on the Wilmington School Board's budget by evaluating in depth its programs and performance before setting the tax rate;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House concurring therein):*

Section 1. Amend Section 9, Chapter 172, Volume 55, Laws of Delaware, by striking the second paragraph in its entirety and inserting in lieu thereof the following:

The Board shall, on or before January 15 of each year, cause to be prepared and laid before them estimates of their probable revenue and expenses for the ensuing fiscal year, which estimates they shall lay before the Wilmington School Tax Commission on or before January 15. At the time of presenting to the Wilmington School Tax Commission said estimates of revenue and expenses, the Board shall in addition thereto include the amount necessary to be paid for interest on bonds in the following fiscal year, and also, when necessary, the amount required in that year for the retirement of bonds. The said Board, early in June in each year, after the City Council shall have made appropriation for the use of the public schools for the following fiscal year as herein provided, shall make the apportionment and appropriations for their expenditures for that year, based as nearly as may be, upon the estimates made by them in December previous, and such apportionment and appropriations shall be specified and arranged under the heads or items designated in said estimates. The said Board shall have no power or authority except when specially authorized by act of the General Assembly to borrow money or contract or create any debt or liability except ordinary debts and liabilities

incurred in executing the duties imposed on them by law, to be paid out of the said appropriation made by City Council and the receipts of the year for the time then current. No money shall be paid from the treasury of the board unless the same shall have been appropriated as aforesaid.

Section 2. Amend Section 11, Chapter 367, Volume 57, Laws of Delaware, by striking the third paragraph in said section in its entirety and inserting in lieu thereof a new paragraph to read as follows:

The 'Wilmington School Tax Commission', after receiving the estimate of probable revenue and expenses from the Board of Education, shall hold public hearings on the same to determine the limit of taxing authority of the City Council within the first ten days of February, within the last ten days of February and within the first ten days of March each year after giving ten days notice of the time and place of such public hearings. The 'Wilmington School Tax Commission' shall, on or before March 31 of each year, establish the limit on the taxing authority of the Council.

Approved July 13, 1971.

## CHAPTER 272

FORMERLY HOUSE BILL NO. 377  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND TITLE 13, SECTION 707, DELAWARE  
CODE, RELATING TO CONSENTS TO HEALTH CARE OF  
MINORS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 707, Title 13, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new Section 707 to read as follows:

**§ 707. Consents to health care of minors**

(a) Consent to the performance upon or for any minor by any licensed medical, surgical, dental or osteopathic practitioner, or any hospital or public clinic, or their agents or employees, of any lawful diagnostic, therapeutic or postmortem procedure, and to the furnishing of hospitalization and other reasonably necessary care in connection therewith, may be given by:

- (1) a parent or guardian of any minor for such minor;
- (2) a married minor for himself or herself, or if such married minor be unable to give consent by reason of physical disability, then by his or her spouse;
- (3) a minor of the age of 18 years or more for himself or herself;
- (4) a minor parent for his or her child;
- (5) a minor, or by any person professing to be serving as temporary custodian of such minor at the request of a parent or guardian of such minor, for the examination and treatment of (i) any laceration, fracture, or other traumatic injury suffered by such minor, or (ii) any symptom, disease or pathology which may, in the judgment of the attending personnel preparing such treatment, if untreated, reasonably be expected to threaten the health or life

of such minor; provided, however, that the consent given shall be effective only after reasonable efforts shall have been made to obtain the consent of the parent or guardian of said minor.

(b) Any consent given by or for a minor pursuant to the authority of any provision of this chapter shall be valid and effective for all purposes, and, notwithstanding any misrepresentation as to age, status as parent, guardian or custodian, or as to marital status, made to any practitioner, hospital, or clinic for purposes of inducing the furnishing of health care to such minor, shall bind such minor, his parent, spouse, heirs, executors and administrators, and shall not be subject to subsequent disaffirmance by reason of minority.

(c) Nothing contained in this section shall be construed to relieve any practitioner, hospital, clinic or their agents or employees from liability for negligence in diagnosis, care and treatment, or for the performance of any procedure not reasonably required for the preservation of life or health.

Approved July 13, 1971.

CHAPTER 273

FORMERLY HOUSE BILL NO. 455  
AS AMENDED BY HOUSE AMENDMENT NO. 2

**AN ACT TO AMEND TITLE 21, DELAWARE CODE, CHAPTER 7, RELATING TO THE JURISDICTION OF CERTAIN COURTS OVER CHILDREN SIXTEEN OR SEVENTEEN YEARS OLD CHARGED WITH VIOLATIONS OF THE MOTOR VEHICLE LAWS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Section 704A, Chapter 7, Title 21, Delaware Code, is amended by adding a new subsection thereto to read as follows:

(e) Any peace officer having taken a child into custody or any justice of the peace or any judge of the Municipal Court before whom said child is brought by a peace officer shall make a reasonable attempt to notify the person having the care of the child that the child has been taken into custody.

Approved July 13, 1971.

## CHAPTER 274

FORMERLY HOUSE BILL NO. 458  
AS AMENDED BY HOUSE AMENDMENTS NO. 1, 2, AND 3

**AN ACT TO AMEND CHAPTER 27, TITLE 25, DELAWARE CODE, RELATING TO MECHANICS' LIENS AGAINST AN OWNER OF A RESIDENCE WHO PAYS THE CONTRACTOR FOR CONSTRUCTION, ERECTION OR BUILDING THEREOF OR ALTERATIONS, REPAIRS, OR IMPROVEMENTS THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 2707, Chapter 27, Title 25, Delaware Code, is hereby amended by striking said section in its entirety and substituting in lieu thereof a new Section 2707 to read as follows:

**§ 2707. Payment of contractor by owner of land for construction, erection and building of, and improvements, alterations or repairs to, said owner's residence as a defense**

No lien shall be obtained under the provisions of this chapter upon the land and/or structure of any owner which is used solely as a residence of said owner, when the owner has made either full or final payment to the contractor, in good faith, with whom he contracted for the construction, erection, and/or building thereof and/or for the improvements, alterations or repairs thereof. Prior to or simultaneous with the receipt of any full or final payment by the contractor, the contractor must supply to the owner either (1) a notarized, verified written certification that the contractor has paid in full for all labor performed and materials furnished up to the date of such full or final payment in or for such construction, erection, building, improvements, alterations, or repairs, or (2) a written Release of Mechanics' Liens signed by all persons who would otherwise be entitled to avail themselves of the provisions of this chapter and containing a notarized, verified certification signed by the contractor that all of the persons so signing the Release constitute all of the persons who have furnished materials and performed labor in and for the construction, erection,

building, improvements, alterations and repairs up to the date of the Release and who would be entitled otherwise to file mechanics' liens claims; and failure of the contractor to supply to the owner said written certification or said Release of Mechanics' Liens by such time shall constitute sufficient cause for the immediate suspension, revocation, or cancellation of the contractors occupational and business licenses; and provided, further, however, that if the said owner has not made full payment, in good faith, to such contractor, the lien may be obtained in accordance with the provisions of this chapter, but it shall be a lien only to the extent of the balance of the payment due such contractor, which balance or portion shall be payable prorata among the claimants who perfect liens. Payments made to the contractor by the owner after service of process as provided in Section 2715 of this chapter shall not be deemed to be 'in good faith'.

Section 2. This Act shall apply only to contracts entered into on or after the effective date of this Act.

Approved July 13, 1971.

## CHAPTER 275

FORMERLY HOUSE BILL NO. 468  
AS AMENDED BY SENATE AMENDMENT NO. 1**AN ACT TO AMEND TITLE 12, CHAPTER 11 RELATING TO  
ESCHEATS BY EXPANDING THE TYPES OF PROPERTY  
COVERED AND DEFINING THE DUTIES AND POWERS  
OF THE STATE ESCHEATOR WITH RESPECT THERETO.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 12, Chapter 11, is amended by adding a new subchapter IV to read as follows:

**SUBCHAPTER IV. OTHER UNCLAIMED PROPERTY****§ 1197. Other property escheated**

All property, as hereinafter defined, and not otherwise subject to escheat in accordance with the provisions of this chapter, the title to which has failed and the power of alienation suspended by reason of, (a) the death of the owner thereof, intestate, leaving no known heirs-at-law; (b) the owner thereof having disappeared or being missing from his last known place of residence for a continuous period of 7 years or more, leaving no known heirs-at-law; or (c) the same having been abandoned by the owner thereof, as hereinafter defined, shall descend to the State of Delaware as an escheat in accordance with the Constitution, the general laws of this State or the provisions of this Act."

**§ 1198. Definitions**

(a) 'Person' includes a natural person, a corporation doing business, or which has been engaged in business in this State, a co-partnership, a voluntary association, and every or any other association or organization of individuals, but excludes banking organizations, any court, and any life insurance company.

(b) 'Property' means personal property, of every kind or description, tangible or intangible, in the possession or under the control of a holder, as hereinafter defined, and includes, but not

by way of limitation, (1) money; (2) bills of exchange; (3) stocks, bonds and other securities; (4) credits, including wages and other allowances for services earned or accrued on or after January 1, 1958; money orders and travelers checks; also proceeds held for unredeemed gift certificates; (5) dividends, cash or stock; (6) certificates of membership in a corporation or association; (7) security deposits; (8) funds deposited by holder with fiscal agents of fiduciaries for payment to owner of dividends, coupon interest and liquidation value of stocks and bonds; (9) funds to redeem stocks and bonds; (10) amounts refundable from excess or increased rates or charges heretofore or hereafter collected by a corporation for utility services lawfully furnished by it, which have been or shall hereafter lawfully be ordered refunded to consumers or other persons entitled thereto and any interest due thereon, and which have remained unclaimed by the persons entitled thereto for 7 years from the date they became payable in accordance with the final determination or order providing for the refunds; and (11) all other liquidated choses-in-action of whatsoever kind of character. The word 'property' does not include credits or deposits evidenced by cash balances on unclaimed or refused personal property, nor any property, except the items specified in items (1) to (11) in this subdivision, the right to recover which in a proceeding brought by the owner would be barred by the provisions of any statute of limitations, state or federal.

(c) 'Owner,' in addition to its commonly accepted meaning, shall be construed to particularly mean and include any person, as hereinbefore defined, having the legal or equitable title to property coming within the purview of this act.

(d) 'Holder' means any person having possession, custody or control of the property of another person, and includes a credit union; a post office; a depository; a bailee; a trustee; a receiver or other liquidating officer; a fiduciary; a governmental department, institution or agency; a municipal corporation and the fiscal officers thereof; a public utility, service corporation; and every other legal entity doing business in this State. This definition shall be construed as distinguishing the term 'holder' of property from the term 'owner' of property as hereinbefore defined, and as excluding from the term 'holder' any person holding or possessing property by virtue of title or ownership.

(e) 'Abandoned property' means property against which a full period of dormancy has run.

(f) 'Period of dormancy' means the full and continuous period of 7 years, except a period of fifteen years for travelers checks, during which an owner has ceased, failed or neglected to exercise dominion or control over his property or to assert a right of ownership or possession; or to make presentment and demand for payment and satisfaction; or to do any other act in relation to or concerning such property. The term does not apply to a period of time during which the owner has failed or neglected to make a demand or file a claim within the time prescribed in an order or decree of court or in a legal notice served and published pursuant to law or an order of court, and the period of dormancy shall not commence to run with respect to claims, demands, or other property held by a holder pursuant to a written agreement which contemplates that there shall be a period of inactivity, until the expiration of the contemplated period of inactivity. This definition shall be construed as excluding any act or doing of a holder of abandoned property not done at the express request or authorization of the owner.

(g) 'Escheat' means the descent or devolution of property to the State under and by virtue of the Constitution of the State, the provisions of the general laws of this State, or the provisions of this act.

(h) 'Escheatable property' means property which is subject to escheat to the State under and by virtue of the provisions of the Constitution of the State, the general laws of this State, or the provisions of this act.

(i) 'Escheated property' means property which has descended to the state as an escheat.

(j) 'Appropriation' means the act of the state, through its duly constituted officers or agencies, in taking or accepting possession or custody of abandoned, unprotected, unclaimed or lost property as conservator thereof for later disposition by descent to the State as an escheat or redemption by the owner as provided in this Act.

(k) 'Redemption' means the reclamation of escheated prop-

erty, or the proceeds of the sale thereof, made by the owner or other person entitled thereto, pursuant to the provisions of this Act.

(l) 'Unprotected property' means and refers to property which the owner thereof has mislaid or left unprotected against loss, damage, waste or deterioration under circumstances indicating the disappearance of the owner or an abandonment of the property.

#### **§ 1199. Reports by holders of abandoned property**

Every holder of abandoned property as herein defined shall on or before the thirtieth day of June of each year make and file with the state Escheator a report, in duplicate, as of the last preceding first day of January, containing a full, true and itemized statement of all abandoned property in his possession or under his control not previously reported: Provided, That the requirements of this section for an annual report shall not apply to fiduciaries of decedent estates, nor to municipal corporations and the fiscal officers thereof, other than counties and the fiscal officers thereof, except when such municipal corporation is a holder of such property in a capacity other than a governmental capacity or as bailee, or by virtue of other special contact, express or implied.

#### **§ 1200. Payment or delivery**

(A) Every holder of abandoned property who has filed the report required by Section 1199 hereof, within ninety (90) days after receipt of written demand from the State issued subsequent to said report, shall, where required, pay or deliver to the State all such property subject to the custody and control of the State under this Act, except that, if the owner of any such property establishes his right to receive the property to the satisfaction of the holder, or if it appears that for some other reason the property is not then subject to the custody and control of the State under this Act, the holder need not pay or deliver the property to the State, but in lieu thereof shall file a verified written explanation of the proof of claim or as to the reason the property is not subject to the custody and control of the State. Any holder who has paid moneys to the State pursuant to this Act may make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee was entitled

thereto, the State shall forthwith reimburse the holder for the payment.

(B) A receipt shall be issued, on behalf of the State, for all property received under this Act.

**§ 1201. Periods of limitation**

If any holder required to file a report under any Act in effect prior to the effective date of this Act, or under this Act, has filed or files a report, no action shall be commenced or maintained against such holder unless it has been or is commenced within seven (7) years after such report has been or is filed.

**§ 1202. Effect of laws of other States**

This Act shall not apply to any property that has been presumed abandoned, properly escheated or subject to custody and control of another jurisdiction under the laws of such other jurisdictions prior to the effective date of this Act.

Section 2. Section 1176 of Title 12 is amended by adding the following after the words "amount paid to the State Escheator" and before the words "Such reimbursement":

Any issuer of money orders and travelers checks who has paid to the State Escheator abandoned property held or owing for the payment of a money order or travelers check may make payment to the person entitled thereto, and shall thereby be entitled to reimbursement of the amount paid to the State Escheator upon proof of such payment in the form of the paid instrument or in the absence of the paid instrument, the agreement of the issuer to hold harmless and indemnify the State of Delaware and its State Escheator from any and all claims with regard to such instrument.

Approved July 13, 1971.

## CHAPTER 276

FORMERLY HOUSE BILL NO. 469  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND SECTION 322, CHAPTER 717, TITLE 22,  
DELAWARE CODE, RELATING TO MUNICIPAL ZONING  
REGULATIONS AND BOARDS OF ADJUSTMENT.**

WHEREAS, the City of Newark failed, through error, to establish a Board of Adjustment as permitted for cities having a Home Rule Charter, pursuant to Section 322 (b), Chapter 717, Title 22, Delaware Code; and

WHEREAS, the City of Newark presently desires to implement the provisions of Section 322 (b), Title 22, Delaware Code, it being a City which has adopted a Home Rule Charter; and

WHEREAS, the terms and provisions of Section 322 (b), Title 22, Delaware Code, presently prevent the City of Newark from implementing the provisions of Section 322 (b), Title 22, Delaware Code;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 322, Chapter 717, Title 22, Delaware Code, is hereby amended by striking from paragraph (b) thereof the following words:

“within ninety (90) days of the effective date hereof or within ninety (90) days after the effective date of a Home Rule Charter hereafter adopted.”

Approved July 13, 1971.

## CHAPTER 277

FORMERLY HOUSE BILL NO. 473  
AS AMENDED BY HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 83, TITLE 16, DELAWARE  
CODE, RELATING TO THE BUILDING CODE OF RURAL  
NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Section 8317, Title 16, Delaware Code,  
by striking said Section in its entirety and inserting in lieu thereof  
a new Section 8317 to read as follows:

**§ 8317. Exceptions**

The provisions of this Chapter shall not apply to structures  
necessary to the operation of farm lands nor to properties located  
within any incorporated city or town in New Castle County, nor  
to individual owners of properties who desire to do their own  
work as contemplated by this Chapter in and about their own  
homes occupied by such owners and which are not for sale.

Approved July 13, 1971.

## CHAPTER 278

FORMERLY SENATE BILL NO. 319  
AS AMENDED BY SENATE AMENDMENT NO. 1**AN ACT TO AMEND TITLE 18, DELAWARE CODE, BY AMENDING CHAPTERS 1, 5, 17, 21, 23, 25 & 61 ON INSURANCE TO INCREASE ADMINISTRATIVE FINES; AMENDING CHAPTER 7 TO INCLUDE FEES FOR THE NEWLY CREATED APPRAISER LICENSE.**

Section 1. § 106(a), Chapter 1, Title 18, Delaware Code, is amended by striking "\$1,000" and substituting "\$2,000", and by striking "\$3,000" and substituting "\$6,000".

Section 2. § 520(a), Chapter 5, Title 18, Delaware Code, is amended by striking "\$1,000" and substituting "\$5,000".

Section 3. § 1743(c), Chapter 17, Title 18, Delaware Code, is amended by striking "\$25" and substituting "\$50" and by striking "\$500" and substituting "\$1,000".

Section 4. § 2111(b), Chapter 21, Title 18, Delaware Code, is amended by striking "\$2,000" and substituting "\$5,000".

Section 5. § 2320(b), Chapter 23, Title 18, Delaware Code, is amended by striking "\$1,000" and substituting "\$2,000".

Section 6. § 2528(b), Chapter 25, Title 18, Delaware Code, is amended by striking "\$1,000" and substituting "\$2,000".

Section 7. § 2530(a), Chapter 25, Title 18, Delaware Code, is amended by striking "\$200" and substituting "\$500" and by striking "\$500" and substituting "\$1,000".

Section 8. § 6143, Chapter 61, Title 18, Delaware Code, is amended in the third paragraph by striking "\$50" and "\$200" and substituting "\$100" and "\$500" respectively.

Section 9. § 701, Chapter 7, Title 18, Delaware Code, is hereby amended to read:

"(2) Charter documents (other than those filed with application for certificate of authority).

Filing amendments to certificate of incorporation, articles of incorporation, charter, by-laws, power of attorney (as to reciprocal insurers), and to other constituent documents of the insurer .....	\$10.00
(4) Service of process' acceptance. Against unauthorized persons and insurers under Chapter 21 of this Title ...	7.50
Others .....	5.00
(5) Agents licenses and appointments.	
(ii) Appointment of agent, each insurer .....	3.00
(iii) Annual continuation of appointment each insurer .....	3.00
(iv) Temporary license, each period of 90 days...	5.00
(v) Limited license ( § 1721 of this Title), each insurer, each year .....	5.00
(6) Brokers.	
(iii) Temporary license, each period of 90 days...	5.00
(7) Solicitors.	
(ii) Annual continuation of license .....	5.00
(8) Vending machine, each year .....	10.00
(13) Certified copy of insurer certificate of authority or of any license issued under this Title .....	5.00
(16) (i) Copies of documents on file in the department, \$.20 per page; minimum .....	5.00
(ii) Certifying and affixing official seals .....	5.00
(17) Appraisers.	
(i) Application for original license and issuance license, if issued .....	5.00
(ii) Annual continuation of license .....	5.00"

Approved July 13, 1971

## CHAPTER 279

FORMERLY SENATE BILL NO. 325  
AS AMENDED BY SENATE AMENDMENT NO. 1  
AND HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 18, DELAWARE CODE, BY AMENDING CHAPTER 17 TO ALLOW ADJUSTERS TO BE EMPLOYED BY ATTORNEYS, LICENSING OF MOTOR VEHICLE PHYSICAL DAMAGE APPRAISERS TO REQUIRE INSURANCE TO BE THE PRINCIPLE BUSINESS OF ALL AGENTS AND BROKERS, CHANGING ORGANIZATION AND RESIDENCY REQUIREMENTS OF AGENT AND BROKER FIRMS AND CORPORATIONS AND REFUNDABILITY OF LICENSE FEES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 17, Title 18, Delaware Code, is hereby amended by changing the title to read:

“Chapter 17. Agents, Brokers, Solicitors, Adjusters and Appraisers”

Section 2. Chapter 17, Title 18, Delaware Code, is amended by adding after Section 1707 an additional section to be known and designated as follows:

**§ 1707 (a). Motor vehicle physical damage appraiser**

(a) “Motor vehicle physical damage appraiser” means any person, partnership, association or corporation which practices as a business the appraising of damages to motor vehicles insured under automobile physical damage policies or on behalf of third party claimants.

Section 3. § 1708, Chapter 17, Title 18, Delaware Code, is amended by adding a new subsection (e) to read as follows:

(e) No person shall act as an appraiser for motor vehicle physical damage claims on behalf of any insurance company or firm or corporation engaged in the adjustment or appraisal of

motor vehicle claims unless such person has first secured a license from the insurance Commissioner.

Section 4. § 1708 (a), Chapter 17, Title 18, Delaware Code, is stricken in its entirety and a new subsection (a) is substituted to read as follows:

(a) No person shall in this State be, act as, or hold himself out to be an agent, broker, solicitor, adjuster or appraiser unless then licensed as such agent, broker, solicitor, adjuster or appraiser under this Chapter.

Section 5. § 1711 (a) (6), Chapter 17, Title 18, Delaware Code, is amended by striking the words "general lines" and inserting after the word "broker" the words, "except as designated in Section 1710 (e) (1) (2) (3)."

Section 6. § 1711, Chapter 17, Title 18, Delaware Code, is amended by adding a new subsection (c) to read as follows:

(c) Any person who has been engaged in the business of motor vehicle physical damage appraising for a period of two consecutive years immediately prior to the effective date of this Act shall be granted a license upon application with no further qualification.

Section 7. § 1712 (a), Chapter 17, Title 18, Delaware Code, is amended by striking the first complete sentence and inserting in lieu thereof the following:

A firm or corporation shall be licensed only as an agent, broker, adjuster or appraiser.

Section 8. § 1712 (c), Chapter 17, Title 18, Delaware Code, is to be stricken in its entirety and a new subsection (c) is substituted to read as follows:

(c) The Commissioner shall not license a firm or corporation as an agent or broker unless it is organized under the laws of its state of domicile and the license is within purposes stated in the partnership agreement or Certificate of Incorporation.

Section 9. § 1715 (1), Chapter 17, Title 18, Delaware Code,

shall be amended by inserting after the word "suspended" the word "expired".

Section 10. §1716 (a), Chapter 17, Title 18, Delaware Code, shall be stricken in its entirety and a new subsection (a) will be substituted to read as follows:

(a) Each examination for license as agent, broker, solicitor, adjuster and appraiser shall reasonably test the applicant's competence and knowledge of the kinds of insurance, policies and transactions to be handled under the license applied for, of the duties and responsibilities of such a license, and of the pertinent laws of this State with which the applicant reasonably should be familiar.

Section 11. §1718 (b), Chapter 17, Title 18, Delaware Code, is amended by striking said subsection in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

(b) All fees for application for agent, broker, solicitor, adjuster or appraiser license shall be deemed earned when paid and shall not be refundable.

Section 12. §1722 (a), Chapter 17, Title 18, Delaware Code, shall be amended by inserting after the word "adjuster," the word "appraiser,".

Section 13. §1722 (a) (1), Chapter 17, Title 18, Delaware Code, shall be amended by inserting after the word "adjuster," the word "appraiser,".

Section 14. §1743 (a), Chapter 17, Title 18, Delaware Code, shall be amended by inserting after the word "adjuster," the words "or appraiser".

Approved July 13, 1971

## CHAPTER 280

FORMERLY SENATE BILL NO. 471  
AS AMENDED BY SENATE AMENDMENTS 1, 2, 3, 6, 7, 8  
AND HOUSE AMENDMENTS 1, 2, 5.

**AN ACT TO AMEND CHAPTER 6, TITLE 29, DELAWARE  
CODE, RELATING TO GENERAL ASSEMBLY BY PRO-  
VIDING FOR THE COMPOSITION AND REAPPORTION-  
MENT THEREOF.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Chapter 6, Section 621, Title 29,  
Delaware Code, by striking said section in its entirety and inserting  
in lieu thereof a new Section 621 to read as follows:

**§ 621. Boundaries of General Assembly Representative Districts  
primarily in the City of Wilmington**

The boundaries of the General Assembly Representative  
Districts situate primarily in the City of Wilmington shall be as  
follows:

(a) First Representative District

The 1st Representative District shall comprise: All that  
portion of the City of Wilmington and New Castle County  
bounded by a line beginning at the intersection of the center line  
of 37th Street and the center line of Washington Street; thence  
southwesterly along the center line of Washington Street to its  
intersection with the center line of 20th Street; thence south-  
easterly along the center line of 20th Street to its intersection with  
the center line of Market Street; thence southwesterly along the  
center line of Market Street to its intersection with the center line  
of the Brandywine Creek; thence northerly along the center line of  
Brandywine Creek to its intersection with the center line of  
Washington Street; thence northerly along the center line of  
Washington Street to its intersection with the center line of  
Baynard Boulevard; thence northeasterly along the center line of  
Baynard Boulevard to its intersection with the center line of 21st  
Street; thence northwesterly along the center line of 21st Street to

its intersection with the center line of Broom Street; thence southwesterly along the center line of Broom Street to its intersection with the center line of 18th Street; thence northwesterly along the center line of 18th Street to its intersection with the center line of the John F. Kennedy Memorial Highway (I-95); thence northeasterly along the center line of the John F. Kennedy Memorial Highway (I-95) to its intersection with the center line of the northern boundary of the City of Wilmington; thence southwesterly along the center line of the northern boundary of the City of Wilmington to its intersection with the center line of the Augustine Cut-Off; thence northerly along the center line of the Augustine Cut-Off to its intersection with the center line of Alapocas Drive; thence northwesterly along the center line of Alapocas Drive to its intersection with the center line of School Road; thence southwesterly along the center line of School Road to its intersection with the center line of Granite Road; thence northwesterly along the center line of Granite Road to its intersection with the center line of Edgewood Road; thence northeasterly and southeasterly along the center line of Edgewood Road to its intersection with the center line of Augustine Cut-Off; thence northeasterly along the center line of Augustine Cut-Off to its intersection with the center line of the Concord Pike (Route 202); thence northerly along the center line of the Concord Pike (Route 202) to its intersection with the center line of Foulk Road; thence northeasterly along the center line of Foulk Road to its intersection with the center line of Weldin Road; thence easterly along the center line of Weldin Road to its intersection with the center line of Talley Road; thence southeasterly along the center line of Talley Road to its intersection with the center line of the Baltimore and Ohio Railroad; thence northeasterly along the center line of the Baltimore and Ohio Railroad to its intersection with the center line of Marsh Road; thence northerly along the center line of Marsh Road to its intersection with the center line of Baynard Boulevard; thence easterly along the center line of Baynard Boulevard and Baynard Boulevard (extended) to its intersection with the center line of the Baltimore and Ohio Railroad; thence northeasterly along the center line of the Baltimore and Ohio Railroad to its intersection with the center line of Stoney Run; thence southeasterly along the center line of Stoney Run by its several courses to its intersection with the center line of the Philadelphia Pike (Route 13); thence southwesterly along the center line of the Philadelphia Pike (Route 12) and Market Street to its intersection with the center line of 37th

intersection of the center line of Wilmington Avenue (Route 2) with the center line of the western boundary of the City of Wilmington; thence westerly along the center line of Wilmington Avenue (Route 2) to its intersection with the center line of Sanders Avenue; thence northerly along the center line of Sanders Avenue and Sanders Avenue (extended) to its intersection with the northern boundary of the Town of Elsmere; thence northwesterly and southerly along the center line of the northern boundary of the Town of Elsmere to its intersection with the center line of Montgomery Road; thence northerly, southerly and easterly along the center line of Montgomery Road to its intersection with the center line of Centre Road; thence southerly along the center line of Centre Road to its intersection with the Little Mill Creek; thence northwesterly along the center line of Little Mill Creek by its several courses to its intersection with the center line of Rhode Island Avenue (extended); thence easterly along the center line of Rhode Island Avenue (extended) and Rhode Island Avenue to its intersection with the center line of Centerville Road; thence northerly along the center line of Centerville Road to its intersection with the center line of Faulkland Road; thence westerly along the center line of Faulkland Road to its intersection with the center line of Mill Creek; thence northerly along the center line of Mill Creek by its several courses to its intersection with the center line of Walnut Green or Dean Road-Campbell Road; thence northeasterly and southeasterly along the center line of Walnut Green or Dean Road-Campbell Road to its intersection with the center line of Kennett Pike (Route 52); thence southeasterly along the center line of Kennett Pike (Route 52) to its intersection with the center line of the Reading Railroad at Greenville; thence southerly along the center line of the Reading Railroad to its intersection with the center line of Barley Mill Road; thence northeasterly along the center line of Barley Mill Road to its intersection with the center line of Kent Road; thence southerly and southeasterly along the center line of Kent Road to its intersection with the center line of Berkley Road; thence northeasterly along the center line of Berkley Road to its intersection with the center line of Kennett Pike (Route 52); thence southeasterly along the center line of Kennett Pike (Route 52) to its intersection with the center line of Brecks Lane; thence easterly along the center line of Brecks Lane and Brecks Lane (extended) to its intersection with the center line of Brandywine Creek; thence southeasterly along the center line of Brandywine Creek by its several courses to its intersection with

its intersection with the center line of Broom Street; thence southwesterly along the center line of Broom Street to its intersection with the center line of 18th Street; thence northwesterly along the center line of 18th Street to its intersection with the center line of the John F. Kennedy Memorial Highway (I-95); thence northeasterly along the center line of the John F. Kennedy Memorial Highway (I-95) to its intersection with the center line of the northern boundary of the City of Wilmington; thence southwesterly along the center line of the northern boundary of the City of Wilmington to its intersection with the center line of the Augustine Cut-Off; thence northerly along the center line of the Augustine Cut-Off to its intersection with the center line of Alapocas Drive; thence northwesterly along the center line of Alapocas Drive to its intersection with the center line of School Road; thence southwesterly along the center line of School Road to its intersection with the center line of Granite Road; thence northwesterly along the center line of Granite Road to its intersection with the center line of Edgewood Road; thence northeasterly and southeasterly along the center line of Edgewood Road to its intersection with the center line of Augustine Cut-Off; thence northeasterly along the center line of Augustine Cut-Off to its intersection with the center line of the Concord Pike (Route 202); thence northerly along the center line of the Concord Pike (Route 202) to its intersection with the center line of Foulk Road; thence northeasterly along the center line of Foulk Road to its intersection with the center line of Weldin Road; thence easterly along the center line of Weldin Road to its intersection with the center line of Talley Road; thence southeasterly along the center line of Talley Road to its intersection with the center line of the Baltimore and Ohio Railroad; thence northeasterly along the center line of the Baltimore and Ohio Railroad to its intersection with the center line of Marsh Road; thence northerly along the center line of Marsh Road to its intersection with the center line of Baynard Boulevard; thence easterly along the center line of Baynard Boulevard and Baynard Boulevard (extended) to its intersection with the center line of the Baltimore and Ohio Railroad; thence northeasterly along the center line of the Baltimore and Ohio Railroad to its intersection with the center line of Stoney Run; thence southeasterly along the center line of Stoney Run by its several courses to its intersection with the center line of the Philadelphia Pike (Route 13); thence southwesterly along the center line of the Philadelphia Pike (Route 12) and Market Street to its intersection with the center line of 37th

intersection of the center line of Wilmington Avenue (Route 2) with the center line of the western boundary of the City of Wilmington; thence westerly along the center line of Wilmington Avenue (Route 2) to its intersection with the center line of Sanders Avenue; thence northerly along the center line of Sanders Avenue and Sanders Avenue (extended) to its intersection with the northern boundary of the Town of Elsmere; thence northwesterly and southerly along the center line of the northern boundary of the Town of Elsmere to its intersection with the center line of Montgomery Road; thence northerly, southerly and easterly along the center line of Montgomery Road to its intersection with the center line of Centre Road; thence southerly along the center line of Centre Road to its intersection with the Little Mill Creek; thence northwesterly along the center line of Little Mill Creek by its several courses to its intersection with the center line of Rhode Island Avenue (extended); thence easterly along the center line of Rhode Island Avenue (extended) and Rhode Island Avenue to its intersection with the center line of Centerville Road; thence northerly along the center line of Faulkland Road to its intersection with the center line of Faulkland Road; thence westerly along the center line of Faulkland Road to its intersection with the center line of Mill Creek; thence northerly along the center line of Mill Creek by its several courses to its intersection with the center line of Walnut Green or Dean Road-Campbell Road; thence northeasterly and southeasterly along the center line of Walnut Green or Dean Road-Campbell Road to its intersection with the center line of Kennett Pike (Route 52); thence southeasterly along the center line of Kennett Pike (Route 52) to its intersection with the center line of the Reading Railroad at Greenville; thence southerly along the center line of the Reading Railroad to its intersection with the center line of Barley Mill Road; thence northeasterly along the center line of Barley Mill Road to its intersection with the center line of Kent Road; thence southerly and southeasterly along the center line of Kent Road to its intersection with the center line of Berkley Road; thence northeasterly along the center line of Berkley Road to its intersection with the center line of Kennett Pike (Route 52); thence southeasterly along the center line of Kennett Pike (Route 52) to its intersection with the center line of Brecks Lane; thence easterly along the center line of Brecks Lane and Brecks Lane (extended) to its intersection with the center line of Brandywine Creek; thence southeasterly along the center line of Brandywine Creek by its several courses to its intersection with

the center line of the northern boundary of the City of Wilmington; thence in a counterclockwise direction along the center line of the northern and western boundary of the City of Wilmington to its intersection with the center line of Wilmington Avenue (Route 2).

(i) Fifteenth Representative District

The 15th Representative District shall comprise: All that portion of New Castle County and the City of Wilmington bounded by a line beginning at the intersection of the center line of the western boundary of the City of Wilmington with the center line of Wilmington Avenue (Route 2); thence westerly along the center line of Wilmington Avenue (Route 2) to its intersection with the center line of the western boundary of the Town of Elsmere; thence along the center line of the western boundary of the Town of Elsmere in a counterclockwise direction to its intersection with the center line of North Avenue; thence southerly along the center line of North Avenue to its intersection with the center line of West Summit Road; thence southeasterly along the center line of West Summit Road to its intersection with the center line of Overland Street (Baltmoor); thence northerly along the center line of Overland Street (Baltmoor) to its intersection with the center line of Matthes Avenue; thence easterly along the center line of Matthes Avenue to its intersection with the center line of Lake Street; thence southerly along the center line of Lake Street to its intersection with the center line of West Summit Road; thence easterly along the center line of West Summit Road to its intersection with the center line of Maryland Avenue; thence southwesterly along the center line of Maryland Avenue to its intersection with the center line of Middleboro Road; thence southeasterly along the center line of Middleboro Road and Middleboro Road Extended to its intersection with the center line of the Penn Central Railroad; thence northeasterly along the center line of the Penn Central Railroad to its intersection with the center line of the Reading Railroad; thence southerly and northerly along the center line of the Reading Railroad to its intersection with the center line of Maryland Avenue; thence northeasterly along the center line of Maryland Avenue to its intersection with the center line of the southern boundary of the City of Wilmington; thence northwesterly in a clockwise direction along the southern boundary of the City of Wilmington to its intersection with the center line of Oak Street

(North of Scott Street); thence southeasterly along the center line of Oak Street to its intersection with the center line of duPont Street; thence northeasterly along the center line of duPont Street to its intersection with the center line of Maple Street; thence northwesterly along the center line of Maple Street to its intersection with the center line of Union Street; thence northeasterly along the center line of Union Street to its intersection with the center line of Lancaster Avenue; thence northwesterly along the center line of Lancaster Avenue to its intersection with the center line of the western boundary of the City of Wilmington; thence in a counterclockwise direction along the center line of the western boundary of the City of Wilmington to its intersection with the center line of Wilmington Avenue (Route 2).

(j) Sixteenth Representative District

The 16th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Centerville Road and Rhode Island Avenue; thence in a southerly direction along the center line of Centerville Road to its intersection with the center line of Newport Gap Pike (Route 51); thence in a southeasterly direction along the center line of Newport Gap Pike to its intersection with the center line of Kiamensi Road; thence northwesterly along the center line of Kiamensi Road to its intersection with the center line of Hershey Run; thence southerly along the center line of Hershey Run to the Wilmington-Christiana Turnpike; thence southeasterly along the center line of the Wilmington-Christiana Turnpike to its intersection with the center line of the western boundary of the Town of Newport; thence counterclockwise along the center line of the westerly, southerly, and easterly boundary of the Town of Newport to its intersection with the center line of Maryland Avenue; thence northeasterly along the center line of Maryland Avenue to its intersection with the center line of West Summit Road; thence westerly along the center line of West Summit Road to its intersection with Lake Street; thence northerly along the center line of Lake Street to its intersection with the center line of Matthes Avenue; thence westerly along the center line of Matthes Avenue to its intersection with the center line of Overland Street (Baltmoor); thence southerly along the center line of Overland Street (Baltmoor) to its intersection with the center line of West Summit Road; thence northwesterly along the center line of West Summit Road to its intersection with West

North Avenue; thence northerly along the center line of West North Avenue to its intersection with the center line of the western boundary of the Town of Elsmere; thence in a clockwise direction around the western boundary of the Town of Elsmere to its intersection with the center line of the Kirkwood Highway; thence easterly along the center line of the Kirkwood Highway to its intersection with the center line of Chestnut Street; thence northerly along the center line of Chestnut Street and Chestnut Street Extended to its intersection with the center line of the northern boundary of the Town of Elsmere; thence generally westerly along the northern boundary of the Town of Elsmere to its intersection with the center line of Montgomery Road; thence westerly along the center line of Montgomery Road by its several courses to its intersection with the center line of Centre Road; thence southwesterly along the center line of Centre Road to its intersection with the center line of Little Mill Creek; thence generally in a westerly direction along the center line of Little Mill Creek by its several courses to its intersection with the center line of Rhode Island Avenue extended; thence westerly along the center line of Rhode Island Avenue Extended and Rhode Island Avenue to its intersection with the center line of Centerville Road.

(k) Seventeenth Representative District

The 17th Representative District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of New Castle Avenue and the center line of the southern boundary of the City of Wilmington; thence southerly along the center line of New Castle Avenue to its intersection with the center line of Memorial Drive; thence northerly along the center line of Memorial Drive to its intersection with the center line of duPont Parkway (Route 13); thence southerly along the center line of the duPont Parkway (Route 13) to its intersection with the center line of Basin Road; thence northerly along the center line of Basin Road to its intersection with the center line of Jay Drive; thence northerly along the center line of Jay Drive to its intersection with the center line of Talbot Drive; thence northerly and easterly along the center line of Talbot Drive to its intersection with the center line of Bassett Avenue; thence northerly and easterly along the center line of Bassett Avenue to its intersection with the center line of the western branch of the New Castle extension of the Penn Central Railroad tracks; thence southwesterly along the center line of the western branch of the

New Castle extension of the Penn Central Railroad to its intersection with the center line of Newport Gap Pike (Basin Road); thence northerly along the center line of Newport Gap Pike (Basin Road) to its intersection with the center line of the southern boundary of the Town of Newport; thence easterly and northerly around the southern boundary of the Town of Newport until it intersects with the center line of Maryland Avenue; thence northeasterly along the center line of Maryland Avenue to its intersection with the center line of Middleboro Road; thence southeasterly along the center line of Middleboro Road and Middleboro Road (extended) to its intersection with the center line of the Penn Central Railroad; thence northeasterly along the center line of the Penn Central Railroad to its intersection with the center line of the Reading Railroad; thence southerly and northerly along the center line of the Reading Railroad to its intersection with the center line of Maryland Avenue; thence northeasterly along the center line of Maryland Avenue to its intersection with the center line of the boundary of the City of Wilmington; thence southerly in a counterclockwise direction along the center line of the boundary of the City of Wilmington to its intersection with the center line of New Castle Avenue.

(1) Eighteenth Representative District

The 18th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of the southern boundary of the City of Wilmington (extended) with the center line of the boundary of the States of Delaware and New Jersey; thence generally in a northwesterly direction along the center line of the southern boundary of the City of Wilmington (extended) to its intersection with the center line of New Castle Avenue; thence in a southwesterly direction along the center line of New Castle Avenue to its intersection with the center line of Memorial Drive; thence generally in a northwesterly direction along the center line of Memorial Drive to its intersection with the center line of duPont Parkway; thence in a southwesterly direction along the center line of duPont Parkway to its intersection with the center line of Interstate Route 295; thence in an easterly direction along the center line of Interstate Route 295 to its intersection with the center line of Landers Lane and Landers Lane (extended); thence southeasterly along the center line of Landers Lane and Landers Lane (extended) to its intersection with the center line of Moores

Lane; thence southwesterly along the center line of Moores Lane to its intersection with the center line of Midfield Road; thence in a generally southeasterly direction along the center line of Midfield Road to its intersection with the center line of Chelwynne Road; thence southwesterly along the center line of Chelwynne Road to its intersection with the center line of Glenn Avenue; thence easterly along the center line of Glenn Avenue to its intersection with the center line of Castle Hill Drive; thence southeasterly along the center line of Castle Hill Drive to its intersection with the center line of Roxeter Road; thence southwesterly along the center line of Roxeter Road to its intersection with the center line of Arden Avenue; thence southwesterly along the center line of Arden Avenue to its intersection with the center line of Moores Lane; thence southerly along the center line of Moores Lane to its intersection with the center line of the northern boundary of the Town of New Castle; thence in a clockwise direction along the center line of the northern boundary of the Town of New Castle and said boundary extended to its intersection with the center line of the boundary between the States of Delaware and New Jersey; thence north-easterly along the center line of the boundary between the States of Delaware and New Jersey to its intersection with the center line of the southern boundary of the City of Wilmington (extended).

(m) Nineteenth Representative District

The 19th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of the southern boundary of the Town of New Castle (extended) with the center line of the boundary of the States of New Jersey and Delaware; thence in a northwesterly direction along the center line of the southern boundary of the Town of New Castle (extended) and said southern boundary to its intersection with the center line of the Penn Central Railroad; thence southwesterly along the center line of the Penn Central Railroad to its intersection with the center line of a branch of said railroad that intersects Mill Creek; thence southeasterly along the center line of said branch to its intersection with the center line of Mill Creek; thence southwesterly along the center line of Mill Creek by its several courses to its intersection with the center line of duPont Parkway (Route 13 and Route 301); thence southwesterly along the center line of duPont Parkway (Route 13 and Route 301) to its intersection

with the center line of a connecting road going behind Calvary Baptist Mission, also known as Old State Road; thence generally northeasterly and easterly along the center line of the connecting road going behind the Calvary Baptist Mission, also known as Old State Road, to its intersection with the center line of duPont Parkway (Route 13 and Route 301); thence northeasterly along the center line of duPont Parkway (Route 13 and Route 301) to its intersection with the center line of Pulaski Highway (Route 40); thence in a northeasterly direction along the center line of duPont Parkway-Pulaski Highway (Route 13, Route 40 and Route 301) to its intersection with the center line of Interstate Route 295; thence in an easterly direction along the center line of Interstate Route 295 to its intersection with the center line of Landers Lane (extended); thence southeasterly along the center line of Landers Lane (extended) and Landers Lane to its intersection with the center line of Moores Lane; thence southwesterly along the center line of Moores Lane to its intersection with the center line of Midfield Road; thence in a generally southeasterly direction along the center line of Midfield Road to its intersection with the center line of Chelwynne Road; thence southwesterly along the center line of Chelwynne Road to its intersection with the center line of Glenn Avenue; thence easterly along the center line of Glenn Avenue to its intersection with the center line of Castle Hill Drive; thence southeasterly along the center line of Castle Hill Drive to its intersection with the center line of Roxeter Road; thence southwesterly along the center line of Roxeter Road to its intersection with the center line of Arden Avenue; thence southwesterly along the center line of Arden Avenue to its intersection with the center line of Moores Lane; thence southerly along the center line of Moores Lane to its intersection with the center line of the northern boundary of the Town of New Castle; thence in a clockwise direction along the center line of the northern boundary of the Town of New Castle and said boundary extended to its intersection with the center line of the boundary between the States of New Jersey and Delaware; thence southwesterly along the center line of the boundary between the States of New Jersey and Delaware to its intersection with the center line of the southern boundary of the Town of New Castle (extended).

(n) Twentieth Representative District

The 20th Representative District shall comprise: All that

portion of New Castle County bounded by a line beginning at the intersection of the center line of duPont Parkway (Route 13, Route 40 and Route 301) with the center line of Basin Road (Route 41 and Route 141); thence northwesterly along the center line of Basin Road (Route 41 and Route 141) to its intersection with the center line of Jay Road; thence northeasterly along the center line of Jay Road to its intersection with the center line of Talbot Drive; thence northwesterly along the center line of Talbot Drive to its intersection with the center line of Bassett Avenue; thence northeasterly along the center line of Bassett Avenue to its intersection with the center line of the western branch of the New Castle extension of the Penn Central Railroad; thence northwesterly and southwesterly along the center line of said branch of said Railroad to its intersection with the center line of Basin Road (Route 41 and Route 141); thence northwesterly along the center line of Basin Road (Route 41 and Route 141) to its intersection with the center line of the southern boundary of the Town of Newport; thence in a clockwise direction along the center line of the southern and western boundary of the Town of Newport to its intersection with the center line of Wilmington-Christiana Turnpike; thence northwesterly along the center line of Wilmington-Christiana Turnpike to its intersection with the center line of Hershey Run; thence northerly along the center line of Hershey Run by its several courses to its intersection with the center line of Kiamensi Road; thence northwesterly along the center line of Kiamensi Road to its intersection with the center line of Red Clay Creek; thence generally southerly and southwesterly along the center line of Red Clay Creek by its several courses to its intersection with the center line of a stream connecting Red Clay Creek with White Clay Creek; thence southwesterly along the center line of the stream connecting Red Clay Creek with White Clay Creek to its intersection with the center line of White Clay Creek; thence generally southerly along the center line of White Clay Creek by its several courses to its intersection with the center line of Ogletown Stanton Road (Route 4) (extended); thence southwesterly along the center line of Ogletown Stanton Road (Route 4) (extended) and Ogletown Stanton Road (Route 4) to its intersection with the center line of Harmony Road; thence southerly along the center line of Harmony Road to its intersection with the center line of Christiana Ogletown Road (Route 273); thence generally southeasterly along the center line of Christiana Ogletown Road (Route 273) to its intersection with the center line of Christiana Creek-Christiana River; thence generally

northeasterly along the center line of Christiana Creek-Christiana River by its several courses to its intersection with the center line of a stream connecting said Christiana Creek-Christiana River with Airport Road; thence generally southeasterly along the center line of said stream connecting Christiana Creek-Christiana River with Airport Road by its several courses to its intersection with the center line of Tyne Lane; thence southwesterly along the center line of Tyne Lane to its intersection with the center line of West Edinburgh Drive; thence northwesterly and southwesterly along the center line of West Edinburgh Drive to its intersection with the center line of Dunnsinane Drive; thence northwesterly, southwesterly, southerly and northeasterly along the center line of Dunnsinane Drive to its second intersection with the center line of West Bellamy Drive; thence southeasterly along the center line of West Bellamy Drive to its intersection with the center line of Airport Road; thence southwesterly along the center line of Airport Road to its intersection with the center line of Hares Corner Road (Route 273); thence westerly along the center line of Hares Corner Road (Route 273) to its intersection with the center line of Appleby Road; thence southeasterly along the center line of Appleby Road to its intersection with the center line of Pulaski Highway (Route 40); thence northeasterly along the center line of Pulaski Highway (Route 40) to its intersection with the center line of duPont Parkway (Route 13, Route 40 and Route 301); thence northeasterly along the center line of duPont Parkway (Route 13, Route 40 and Route 301) to its intersection with the center line of Basin Road (Route 41 and Route 141).

(o) Twenty-first Representative District

The twenty-first Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Centerville Road and the center line of Faulkland Road; thence southeasterly along the center line of Centerville Road to its intersection with the center line of Newport Gap Pike (Route 41); thence southeasterly along the center line of Newport Gap Pike (Route 41) to its intersection with the center line of Kiamensi Road; thence northwesterly along the center line of Kiamensi Road to its intersection with the center line of Red Clay Creek; thence northwesterly along the center line of Red Clay Creek to its intersection with the center line of the Baltimore and Ohio Railroad; thence southwesterly

along the center line of the Baltimore and Ohio Railroad to its intersection with the center line of Stanton-Greenbank Road; thence northeasterly along the center line of Stanton-Greenbank Road to its first intersection with the center line of Old Capital Trail; thence northwesterly along the center line of Old Capital Trail to its intersection with the center line of Kirkwood Highway; thence southwesterly along the center line of Kirkwood Highway to its intersection with the center line of Limestone Road; thence northwesterly along the center line of Limestone Road to its intersection with the center line of Pickwick Drive; thence northeasterly and northerly along the center line of Pickwick Drive to its intersection with the center line of Milltown Road; thence northeasterly along the center line of Milltown Road to its intersection with the center line of West Robino Drive; thence northerly along the center line of West Robino Drive to its intersection with the center line of the southern boundary of the Delcastle County Recreation Center; thence northwesterly along the center line of the southern boundary of the Delcastle County Recreation Center to its intersection with the center line of McKennans Church Road; thence northerly along the center line of McKennans Church Road to its intersection with the center line of Mill Creek Road (Hercules Road); thence northeasterly along the center line of Mill Creek Road (Hercules Road) to its intersection with the center line of Newport Gap Pike; thence southerly along the center line of Newport Gap Pike to its intersection with the center line of Foulkland Road; thence southeasterly along the center line of Foulkland Road to its intersection with the center line of Centerville Road.

(p) Twenty-second Representative District

The 22nd Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Loveville Road-McKennans Church Road and the center line of Graves Road; thence southwesterly along the center line of Loveville Road-McKennans Church Road to its intersection with the center line of the southern boundary of the Delcastle County Recreation Center; thence southeasterly along the center line of the southern boundary of the Delcastle County Recreation Center to its intersection with the center line of West Robino Drive; thence southerly along the center line of West Robino Drive to its intersection with the center line of Milltown Road; thence

southwesterly along the center line of Milltown Road to its intersection with the center line of Pickwick Drive; thence southerly and southwesterly along the center line of Pickwick Drive to its intersection with the center line of Limestone Road; thence southeasterly along the center line of Limestone Road to its intersection with the center line of Kirkwood Highway; thence northeasterly along the center line of the Kirkwood Highway to its intersection with the center line of Old Capital Trail; thence southeasterly along the center line of Old Capital Trail to its southernmost intersection with the center line of Stanton-Greenbank Road; thence southerly along the center line of the Stanton-Greenbank Road to its intersection with the center line of the Baltimore and Ohio Railroad; thence easterly along the center line of the Baltimore and Ohio Railroad to its intersection with the center line of the Red Clay Creek; thence southerly along the center line of the Red Clay Creek to its intersection with the center line of a stream connecting the White Clay Creek with the Red Clay Creek; thence westerly along the center line of the stream connecting the White Clay Creek with the Red Clay Creek to its intersection with the center line of the White Clay Creek; thence westerly along the center line of the White Clay Creek to its intersection with the center line of Mill Creek; thence generally northerly along the center line of Mill Creek to its intersection with the center line of Milltown Road; thence northeasterly along the center line of Milltown Road to its intersection with the center line of Old Limestone Road; thence northwesterly along the center line of Old Limestone Road to its intersection with the center line of Limestone Road; thence northwesterly along the center line of Limestone Road to its intersection with the center line of Stoney Batter Road; thence northeasterly along the center line of Stoney Batter Road to its intersection with the center line of Mill Creek Road; thence northwesterly along the center line of Mill Creek Road to its intersection with the center line of Graves Road; thence in a northeasterly direction along the center line of Graves Road to its intersection with the center line of Loveville Road-McKennans Church Road.

(q) Twenty-third Representative District

The 23rd Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Ogetown Stanton Road (Route 4) with the center line of Harmony Road-Pike Creek Road; thence

generally in a northwesterly and northeasterly direction along the center line of Harmony Road-Pike Creek Road to its intersection with the center line of Henderson Road; thence generally southwesterly and westerly along the center line of Henderson Road to its intersection with the center line of Polly Drummond Hill Road-Ebenezer Church Road; thence in a northerly direction along the center line of Polly Drummond Hill Road-Ebenezer Church Road to its intersection with the center line of Rankin Road; thence in a northeasterly direction along the center line of Rankin Road to its first intersection with the center line of White Clay Crescent Road; thence in a northerly and easterly direction along the center line of White Clay Crescent Road to its intersection with the center line of Boyds Valley Road; thence in a clockwise direction along the center line of Boyds Valley Road to its intersection with the center line of New Linden Hill Road; thence in an easterly direction along the center line of New Linden Hill Road to its intersection with the center line of Pike Creek Road; thence in a northerly direction along the center line of Pike Creek Road to its intersection with the center line of Linden Hill Road; thence in a northeasterly direction along the center line of Linden Hill Road to its intersection with the center line of Limestone Road; thence in a southeasterly direction along the center line of Limestone Road to its intersection with the center line of Old Limestone Road; thence in a southeasterly direction along the center line of Old Limestone Road to its intersection with the center line of Milltown Road; thence in a southwesterly direction along the center line of Milltown Road to its intersection with the center line of Mill Creek; thence generally southerly along the center line of Mill Creek by its several courses to its intersection with the center line of White Clay Creek; thence easterly and southerly along the center line of White Clay Creek by its several courses to its intersection with the center line of Ogetown Stanton Road (Route 4) (extended); thence southwesterly along the center line of Ogetown Stanton Road (Route 4) (extended) and Ogetown Stanton Road (Route 4) to its intersection with the center line of Harmony Road.

(r) Twenty-seventh Representative District

The 27th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Nottingham Road (Route 273) with the center line of the boundary between the States of

Delaware and Maryland; thence in a southeasterly direction along the center line of Nottingham Road (Route 273) to its intersection with the center line of the Christina River; thence in a northerly direction along the center line of the Christina River by its several courses to its intersection with the center line of Windsor Drive (extended); thence generally in an easterly direction along the center line of Windsor Drive (extended) and Windsor Drive to its intersection with the center line of Country Club Drive; thence in an easterly direction along the center line of Country Club Drive to its intersection with the center line of Freemont Road; thence in a northeasterly and northwesterly direction along the center line of Freemont Road to its intersection with the center line of Wakefield Drive; thence generally in a northeasterly and northwesterly direction along the center line of Wakefield Drive to its intersection with the center line of Woodhill Drive; thence northwesterly along the center line of Woodhill Drive to its intersection with the center line of Lynn Drive; thence southwesterly along the center line of Lynn Drive to its intersection with the center line of Freemont Road; thence northerly and westerly along the center line of Freemont Road to its intersection with the center line of New London road (Route 896); thence northwesterly along the center line of New London Road (Route 896) to its intersection with the center line of the northern boundary of the Town of Newark; thence in an easterly, southerly and southeasterly direction along the center line of the northern boundary of the Town of Newark to its intersection with the center line of White Clay Creek; thence in a southerly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of North College Avenue; thence in a southerly direction along the center line of North College Avenue to its intersection with the center line of East Main Street; thence in an easterly direction along the center line of East Main Street to its intersection with the center line of the boundary of the Town of Newark; thence in a counter-clockwise direction along the eastern boundary of the Town of Newark to its intersection with the center line of White Clay Creek; thence generally in an easterly and southeasterly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of Red Mill Road – Polly Drummond Hill Road – Ebenezer Church Road; thence in a northwesterly and northerly direction along the center line of Red Mill Road – Polly Drummond Hill Road – Ebenezer Church Road to its intersection with the center line of Rankin Road; thence in a

northeasterly direction along the center line of Rankin Road to its first intersection with the center line of White Clay Crescent Road; thence in a northerly and easterly direction along the center line of White Clay Crescent Road to its intersection with the center line of Boyds Valley Road; thence in a clockwise direction along the center line of Boyds Valley Road to its intersection with the center line of New Linden Hill Road; thence in an easterly direction along the center line of New Linden Hill Road to its intersection with the center line of Pike Creek Road; thence in a northerly direction along the center line of Pike Creek Road to its intersection with the center line of Linden Hill Road; thence in a northeasterly direction along the center line of Linden Hill Road to its intersection with the center line of Limestone Road; thence in a northwesterly direction along the center line of Limestone Road to its intersection with the center line of Stoney Batter Road; thence in a northeasterly direction along the center line of Stoney Batter Road to its intersection with the center line of Mill Creek Road; thence in a northwesterly direction along the center line of Mill Creek Road to its intersection with the center line of Graves Road; thence in a northeasterly direction along the center line of Graves Road to its intersection with the center line of Loveville Road; thence in a northerly direction along the center line of Loveville Road to its intersection with the center line of Old Wilmington Road; thence in a northwesterly direction along the center line of Old Wilmington Road to its intersection with the center line of the boundary between the States of Pennsylvania and Delaware; thence in a southwesterly and westerly direction along the center line of the boundary between the States of Pennsylvania and Delaware to its intersection with the boundary between the States of Maryland and Delaware; thence in a southerly direction along the center line of the Boundary between the States of Maryland and Delaware to its intersection with the center line of Nottingham Road (Route 273).

(s) Twenty-fourth Representative District

The 24th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of the eastern boundary of the Town of Newark and the center line of White Clay Creek; thence generally easterly and southeasterly along the center line of White Clay Creek by its several courses to its intersection with the center line of Red Mill Road – Polly Drummond Hill Road; thence

northwesterly and northerly along the center line of Red Mill Road – Polly Drummond Hill Road to its intersection with the center line of Henderson Road; thence generally easterly and northeasterly along the center line of Henderson Road to its intersection with the center line of Pike Creek Road – Harmony Road; thence generally southwesterly and southeasterly along the center line of Pike Creek Road – Harmony Road to its intersection with the center line of Christiana Ogletown Road (Route 273); thence northwesterly along the center line of Christiana Ogletown Road (Route 273) to its intersection with the center line of Ogletown Stanton Road (Route 4); thence southwesterly along the center line of Ogletown Stanton Road (Route 4) to its intersection with the center line of Salem Church Road; thence southerly along the center line of Salem Church Road to its intersection with the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike); thence southwesterly along the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike) to its intersection with the center line of Purgatory Swamp Road; thence northwesterly along the center line of Purgatory Swamp Road to its intersection with the center line of Chestnut Hill Road (Route 4); thence northeasterly along the center line of Chestnut Hill Road (Route 4) to its intersection with the center line of Malvern Road; thence northwesterly along the center line of Malvern Road to its intersection with the center line of Brookside Boulevard; thence northeasterly along the center line of Brookside Boulevard to its intersection with the center line of McCord Drive; thence northwesterly along the center line of McCord Drive to its intersection with the center line of Monterey Drive; thence southwesterly along the center line of Monterey Drive to its intersection with the center line of Matthews Road; thence northwesterly and northeasterly along the center line of Matthews Road to its intersection with the center line of Millbrook Road; thence northwesterly along the center line of Millbrook Road to its intersection with the center line of Old Newark Road; thence southwesterly along the center line of Old Newark Road to its intersection with the center line of Marrows Road; thence northwesterly along the center line of Marrows Road to its intersection with the center line of the northeastern boundary of the Town of Newark at East Main Street; thence in a counter clockwise direction along the center line of the northeastern boundary of the Town of Newark to its intersection with the center line of White Clay Creek.

## (t) Twenty-sixth Representative District

The 26th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of North College Avenue with the center line of E. Main Street in Newark; thence in a westerly direction along the center line of E. Main Street to its intersection with the center line of Elkton Road; thence in a southwesterly direction along the center line of Elkton Road to its intersection with the center line of West Park Place; thence in an easterly direction along the center line of West Park Place to its intersection with the center line of South College Avenue (Route 896); thence in a southerly direction along the center line of South College Avenue (Route 896) to its intersection with the center line of Chestnut Hill Road; thence in a southwesterly direction along the center line of Chestnut Hill Road to its intersection with the center line of Christiana River; thence generally in a southeasterly direction along the center line of the Christiana River by its several courses to its intersection with the center line of Old Baltimore Pike; thence northeasterly along the center line of Old Baltimore Pike to its intersection with the center line of Purgatory Swamp Road; thence northwesterly along the center line of Purgatory Swamp Road to its intersection with the center line of Chestnut Hill Road (Route 4); thence northeasterly along the center line of Chestnut Hill Road (Route 4) to its intersection with the center line of Malvern Road; thence northwesterly along the center line of Malvern Road to its intersection with the center line of Brookside Boulevard; thence northeasterly along the center line of Brookside Boulevard to its intersection with the center line of McCord Drive; thence northwesterly along the center line of McCord Drive to its intersection with the center line of Monterey Drive; thence southwesterly along the center line of Monterey Drive to its intersection with the center line of Matthews Road; thence northwesterly and northeasterly along the center line of Matthews Road to its intersection with the center line of Millbrook Road; thence northwesterly along the center line of Millbrook Road to its intersection with the center line of Old Newark Road; thence southwesterly along the center line of Old Newark Road to its intersection with the center line of Marrows Road; thence northwesterly along the center line of Marrows Road to its intersection with the center line of the northeastern boundary of the Town of Newark at East Main Street; thence southwesterly

along the center line of East Main Street to its intersection with the center line of North College Avenue.

(u) Twenty-fifth Representative District

The 25th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Nottingham Road (Route 273) with the center line of the boundary between the States of Delaware and Maryland; thence in a southeasterly direction along the center line of Nottingham Road (Route 273) to its intersection with the center line of the Christina River; thence in a northerly direction along the center line of the Christina River by its several courses to its intersection with the center line of Windsor Drive (extended); thence generally in an easterly direction along the center line of Windsor Drive (extended) and Windsor Drive to its intersection with the center line of Country Club Drive; thence in an easterly direction along the center line of Country Club Drive to its intersection with the center line of Freemont Road; thence in a northeasterly and northwesterly direction along the center line of Freemont Road to its intersection with the center line of Wakefield Drive; thence generally in a northeasterly and northwesterly direction along the center line of Wakefield Drive to its intersection with the center line of Woodhill Drive; thence northwesterly along the center line of Woodhill Drive to its intersection with the center line of Lynn Drive; thence southwesterly along the center line of Lynn Drive to its intersection with the center line of Freemont Road; thence northerly and westerly along the center line of Freemont Road to its intersection with the center line of New London Road (Route 896); thence northwesterly along the center line of New London Road (Route 896) to its intersection with the center line of the northern boundary of the Town of Newark; thence in an easterly, southerly and southeasterly direction along the center line of the northern boundary of the Town of Newark to its intersection with the center line of White Clay Creek; thence in a southerly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of North College Avenue; thence in a southerly direction along the center line of North College Avenue to its intersection with the center line of East Main Street; thence in a westerly direction along the center line of East Main Street to its intersection with the center line of Elkton Road; thence in a southwesterly direction along the center

line of Elkton Road to its intersection with the center line of West Park Place; thence in an easterly direction along the center line of West Park Place to its intersection with the center line of South College Avenue (Route 896); thence in a southerly direction along the center line of South College Avenue (Route 896) to its intersection with the center line of Chestnut Hill Road; thence in a southwesterly direction along the center line of Chestnut Hill Road to its intersection with the center line of the Christina River; thence generally in a southeasterly direction along the center line of the Christina River by its several courses to its intersection with the center line of Old Baltimore Pike; thence in a southwesterly direction along the center line of Old Baltimore Pike to its intersection with the center line of Sandy Brae Road; thence in a northwesterly and northerly direction along the center line of Sandy Brae Road to its intersection with the center line of John F. Kennedy Memorial Highway (Delaware Turnpike); thence in a southwesterly direction along the center line of John F. Kennedy Memorial Highway (Delaware Turnpike) to its intersection with the center line of the boundary between the States of Maryland and Delaware; thence in a northerly direction along the center line of the boundary between the States of Maryland and Delaware to its intersection with the center line of Nottingham Road (Route 273).

(v) Twenty-eighth Representative District

The 28th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of the southern boundary of the Town of New Castle (extended) with the center line of the boundary between the States of New Jersey and Delaware; thence northwesterly along the center line of the southern boundary of the Town of New Castle (extended) and said southern boundary to its intersection with the center line of the Penn Central Railroad; thence southwesterly along the center line of the Penn Central Railroad to its intersection with the center line of a branch of said railroad that intersects Mill Creek; thence southeasterly along the center line of said branch to its intersection with the center line of Mill Creek; thence southwesterly along the center line of Mill Creek by its several courses to its intersection with the center line of duPont Parkway (Route 13 and Route 301); thence southwesterly along the center line of duPont Parkway (Route 13 and Route 301) to its intersection with the center line of a

connecting road going behind Calvary Baptist Mission, also known as Old State Road; thence generally northeasterly and easterly along the center line of the connecting road going behind the Calvary Baptist Mission, also known as Old State Road, to its intersection with the center line of duPont Parkway (Route 13 and Route 301); thence northeasterly along the center line of duPont Parkway (Route 13 and Route 301) to its intersection with the center line of Pulaski Highway (Route 40); thence southwesterly along the center line of Pulaski Highway (Route 40) to its intersection with the center line of Appleby Road; thence northwesterly along the center line of Appleby Road to its intersection with the center line of Hares Corner Road (Route 273); thence easterly along the center line of Hares Corner Road (Route 273) to its intersection with the center line of Airport Road; thence northeasterly along the center line of Airport Road to its intersection with the center line of West Bellamy Drive; thence northwesterly along the center line of West Bellamy Drive to its first intersection with the center line of Dunnsinane Drive; thence southwesterly, northeasterly and southeasterly along the center line of Dunnsinane Drive to its second intersection with the center line of West Edinburgh Drive; thence northeasterly and southeasterly along the center line of West Edinburgh Drive to its intersection with the center line of East Lyne Lane; thence northeasterly along the center line of East Lyne Lane to its intersection with the center line of a stream connecting Christiana Creek-Christiana River with East Lyne Lane; thence generally northwesterly along the center line of said stream connecting Christiana Creek-Christiana River with Airport Road by its several courses to its intersection with the center line of Christina Creek-Christiana River; thence generally southwesterly along the center line of Christiana Creek-Christiana River by its several courses to its intersection with the center line of Christina Oglestown Road (Route 273); thence northwesterly along the center line of Christiana Oglestown Road (Route 273) to its intersection with the center line of Oglestown Stanton Road (Route 4); thence southwesterly along the center line of Oglestown Stanton Road (Route 4) to its intersection with the center line of Salem Church Road; thence southerly along the center line of Salem Church Road to its intersection with the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike); thence southwesterly along the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike) to its intersection with the center line of Purgatory Swamp Road; thence southeasterly

along the center line of Purgatory Swamp Road to its intersection with the center line of Old Baltimore Pike; thence southwesterly along the center line of Old Baltimore Pike to its intersection with the center line of County Route 408; thence southerly along the center line of County Route 408 to its intersection with the center line of County Route 386; thence southeasterly along the center line of County Route 386 to its intersection with the center line of Sunset Lake Road (Route 72); thence southeasterly along Sunset Lake Road (Route 72) to its intersection with the center line of Pulaski Highway (Route 40); thence northeasterly along the center line of Pulaski Highway (Route 40) to its intersection with the center line of Salem Church Road; thence southeasterly along the center line of Salem Church Road to its intersection with the center line of Porter Station Road; thence northeasterly along the center line of Porter Station Road to its intersection with the center line of Red Lion Road (Route 301); thence southwesterly along the center line of Red Lion Road (Route 301) to its intersection with the center line of County Route 71; thence southerly along the center line of County Route 71 to its intersection with the center line of the Chesapeake and Delaware Canal; thence easterly along the center line of the Chesapeake and Delaware Canal by its several courses and the Chesapeake and Delaware Canal (extended) to its intersection with the center line of the boundary between the States of New Jersey and Delaware; thence northeasterly along the center line of the boundary between the States of New Jersey and Delaware to its intersection with the center line of the southern boundary of the Town of New Castle (extended).

(w) Twenty-ninth Representative District

The 29th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of John F. Kennedy Memorial Highway (Delaware Turnpike) and the boundary between the States of Maryland and Delaware; thence northeasterly along the center line of John F. Kennedy Memorial Highway (Delaware Turnpike) to its intersection with the center line of the Sandy Brae Road; thence southeasterly and southerly along the center line of the Sandy Brae Road to its intersection with the center line of Old Baltimore Pike; thence northeasterly along the center line of Old Baltimore Pike to its intersection with the center line of County Route 408; thence southerly along the center line of County Route 408 to its intersection with the center line of

County Route 386; thence southeasterly along the center line of County Route 386 to its intersection with the center line of Sunset Lake Road (Route 72); thence southeasterly along the center line of Sunset Lake Road (Route 72) to its intersection with the center line of Pulaski Highway (Route 40); thence northeasterly along the center line of Pulaski Highway (Route 40) to its intersection with the center line of Salem Church Road; thence southeasterly along the center line of Salem Church Road to its intersection with the center line of Porter Station Road; thence northeasterly along the center line of Porter Station Road to its intersection with the center line of Red Lion Road (Route 301); thence southwesterly along the center line of Red Lion Road (Route 301) to its intersection with the center line of County Route 71; thence southerly along the center line of County Route 71 to its intersection with the center line of the Chesapeake & Delaware Canal; thence easterly along the center line of the Chesapeake & Delaware Canal by its several courses and the Chesapeake & Delaware Canal Extended to its intersection with the center line of the boundary between the States of New Jersey and Delaware; thence southerly along the center line of the boundary between the States of Delaware and New Jersey to its intersection with the center line of the boundary between New Castle County and Kent County Extended; thence southwesterly and westerly along the center line of the boundary between New Castle County and Kent County Extended and the boundary between New Castle County and Kent County to its intersection with the center line of the boundary between the States of Maryland and Delaware; thence northerly along the center line of the boundary between the States of Maryland and Delaware to its intersection with the center line of John F. Kennedy Memorial Highway (Delaware Turnpike).

Section 4. Amend Chapter 6, Section 632, Title 29, Delaware Code, by striking said section in its entirety and inserting in lieu thereof the following:

**§ 632. Boundaries of the General Assembly Senatorial Districts Situate Primarily in New Castle County and Primarily outside the City of Wilmington Pursuant to Section 604(2) of this Title**

The boundaries of the several Senatorial districts situate primarily in New Castle County and primarily outside the City of

Wilmington pursuant to Section 604(2) of this Title shall be as follows:

(a) Fourth Senatorial District

The 4th Senatorial District shall comprise: All that portion of New Castle County, bounded by a line beginning at the intersection of the center line of the Christiana River (extended) with the center line of the boundary between the States of Delaware and New Jersey; thence in a northwesterly direction along the center line of the Christiana River (extended) and the Christiana River by its several courses to its intersection with the center line of the Brandywine Creek; thence along the center line of the Brandywine Creek by its several courses in a northeasterly direction to its intersection with the center line of a stream connecting with the Brandywine Creek and passing under the foot of 12th Street; thence in a northeasterly direction along the center line of the stream connecting with the Brandywine Creek and passing under the foot of 12th Street to its intersection with the center line of a branch of the Penn Central Railroad connecting the main line and the Shellpot Branch of the Penn Central Railroad; thence northerly along the center line of said branch of the Penn Central Railroad to its intersection with the center line of the main line of the Penn Central Railroad (at the foot of Vandever Avenue); thence northeasterly along the center line of the main line of the Penn Central Railroad to its intersection with the center line of Todds Lane extended; thence northerly along the center line of Todds Lane extended and Todds Lane to its intersection with the center line of Edgemoore Drive; thence southwesterly along the center line of Edgemoore Drive to its intersection with the center line of 27th Street; thence northwesterly along the center line of 27th Street to its intersection with the center line of Northeast Boulevard; thence northeasterly along the center line of Northeast Boulevard to its intersection with the center line of 30th Street; thence northwesterly along the center line of 30th Street to its intersection with the center line of Market Street; thence northeasterly along the center line of Market Street to its intersection with the center line of the Northeastern Boundary of the City of Wilmington; thence generally in a counterclockwise direction along the center line of the boundary of the City of Wilmington to its intersection with the center line of Augustine Cut-Off; thence in a northeasterly direction along the center line of Augustine Cut-Off to its

intersection with the center line of Alapocas Drive; thence in a northwesterly direction along the center line of Alapocas Drive to its intersection with the center line of School Road; thence in a southwesterly direction along the center line of School Road to its intersection with the center line of Granite Road; thence in a northwesterly direction along the center line of Granite Road to its intersection with the center line of Edgewood Road; thence in a northeasterly and southeasterly direction along the center line of Edgewood Road to its intersection with the center line of Augustine Cut-Off; thence in a northeasterly direction along the center line of Augustine Cut-Off to its intersection with the center line of Concord Pike (Route 202); thence in a northerly direction along the center line of Concord Pike (Route 202) to its intersection with the center line of Median Drive; thence in an easterly direction along the center line of Median Drive to its intersection with the center line of Carr Avenue; thence in a southerly direction along the center line of Carr Avenue to its intersection with the center line of Alders Drive; thence in a northeasterly direction along the center line of Alders Drive to its intersection with the center line of Hearn Road; thence in a southerly direction along the center line of Hearn Road to its intersection with the center line of Fairfax Boulevard; thence in an easterly and southerly direction along the center line of Fairfax Boulevard to its intersection with the center line of Foulk Road; thence in a southwesterly direction along the center line of Foulk Road to its intersection with the center line of Wilson Road; thence in an easterly direction along the center line of Wilson Road to its intersection with the center line of Marsh Road; thence in a northerly direction along the center line of Marsh Road to its intersection with the center line of Silverside Road; thence in a southeasterly direction along the center line of Silverside Road to its intersection with the center line of the Baltimore and Ohio Railroad; thence in a southwesterly direction along the center line of the Baltimore and Ohio Railroad to its intersection with the center line of Stoney Run Creek; thence in a southerly direction along the center line of Stoney Run Creek to its intersection with the center line of the Philadelphia Pike; thence in a southwesterly direction along the center line of the Philadelphia Pike to its intersection with the center line of the northern boundary of the Town of Bellefonte; thence in a southeasterly direction along the center line of the northern boundary of the Town of Bellefonte to its intersection with the center line of River Road; thence in a northeasterly direction

along the center line of River Road to its intersection with the center line of the northern boundary of the River Road Elementary School; thence generally in a southeasterly direction along the center line of the northern boundary of the River Road Elementary School and said boundary line extended to its intersection with the center line of the boundary between the States of Delaware and New Jersey; thence in a southwesterly direction along the center line of the boundary between the States of Delaware and New Jersey to its intersection with the center line of the Christiana River extended.

(b) Fifth Senatorial District

The 5th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of the northern boundary of the River Road Elementary School extended with the center line of the boundary between the States of Delaware and New Jersey; thence in a northwesterly direction along the center line of the northern boundary of the River Road Elementary School extended and the northern boundary of the River Road Elementary School to its intersection with the center line of River Road; thence in a southwesterly direction along the center line of River Road to its intersection with the center line of the northern boundary of the Town of Bellefonte; thence in a northwesterly direction along the center line of the northern boundary of the Town of Bellefonte to its intersection with the center line of the Philadelphia Pike; thence in a northeasterly direction along the center line of the Philadelphia Pike to its intersection with the center line of Stoney Run Creek; thence in a northerly direction along the center line of Stoney Run Creek to its intersection with the center line of the Baltimore and Ohio Railroad; thence in a northeasterly direction along the center line of the Baltimore and Ohio Railroad to its intersection with the center line of Harvey Road; thence in a northwesterly direction along the center line of Harvey Road to its intersection with the center line of the eastern boundary of the Town of Arden; thence in a northeasterly direction along the center line of the eastern boundary of the Town of Arden to its intersection with the center line of Naamans Creek; thence in a southeasterly direction along the center line of Naamans Creek to its intersection with the center line of the Baltimore and Ohio Railroad; thence in a northeasterly direction along the center line of the Baltimore and Ohio Railroad to its intersection with the

center line of the boundary line between the States of Pennsylvania and Delaware; thence in a southeasterly direction along the center line of the boundary line between the States of Pennsylvania and Delaware to its intersection with the center lines of the boundary lines of the States of Pennsylvania, Delaware and New Jersey; thence in a southeasterly and southwesterly direction along the center line of the boundary between the States of Delaware and New Jersey to its intersection with the center line of the northern boundary of the River Road Elementary School extended.

(c) Sixth Senatorial District

The 6th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of the Baltimore and Ohio Railroad with the center line of the boundary line between the States of Pennsylvania and Delaware; thence in a southwesterly direction along the center line of the Baltimore and Ohio Railroad to its intersection with the center line of Naamans Creek; thence in a northwesterly direction along the center line of Naamans Creek to its intersection with the center line of the eastern boundary of the Town of Arden; thence in a southwesterly direction along the center line of the eastern boundary of the Town of Arden to its intersection with the center line of Harvey Road; thence in a southeasterly direction along the center line of Harvey Road to its intersection with the center line of the Baltimore and Ohio Railroad; thence in a southwesterly direction along the center line of the Baltimore and Ohio Railroad to its intersection with the center line of Silverside Road; thence in a northwesterly direction along the center line of Silverside Road to its intersection with the center line of Marsh Road; thence in a southerly direction along the center line of Marsh Road to its intersection with the center line of Wilson Road; thence in a westerly direction along the center line of Wilson Road to its intersection with the center line of Foulk Road; thence in a northeasterly direction along the center line of Foulk Road to its intersection with the center line of Fairfax Boulevard; thence in a northerly and westerly direction along the center line of Fairfax Boulevard to its intersection with the center line of Hearn Road; thence in a northerly direction along the center line of Hearn Road to its intersection with the center line of Alders Drive; thence in a southwesterly direction along the center line of Alders Drive to its intersection with the

center line of Carr Avenue; thence in a northerly direction along the center line of Carr Avenue to its intersection with the center line of Median Drive; thence in a westerly direction along the center line of Median Drive to its intersection with the center line of Concord Pike (Route 202); thence in a northerly direction along the center line of the northbound lane of the Concord Pike (Route 202) to its intersection with the center line of Silverside Road; thence in a generally easterly direction along the center line of Silverside Road to its intersection with the center line of Kingman Drive; thence in a generally northwesterly direction along the center line of Kingman Drive to its intersection with the center line of Landon Drive; thence in a northwesterly direction along the center line of Landon Drive to its intersection with the center line of Raven Road; thence in a generally northeasterly and southeasterly direction along the centerline of Raven Road to its intersection with the center line of Weatherton Drive; thence in a northeasterly direction along the center line of Weatherton Drive to its intersection with the center line of Grubb Road; thence in a southeasterly direction along the center line of Grubb Road to its intersection with the center line of Brandywood Drive; thence in a northeasterly direction along the center line of Brandywood Drive to its intersection with the center line of Magnolia Drive; thence in a northeasterly direction along the center line of Magnolia Drive to its intersection with the center line of Naamans Road; thence in a southeasterly direction along the center line of Naamans Road to its intersection with the center line of Foulk Road; thence in a northeasterly direction along the center line of Foulk Road to its intersection with the center line of the boundary line between the States of Pennsylvania and Delaware; thence in a southeasterly direction along the center line of the boundary line between the States of Pennsylvania and Delaware to its intersection with the center line of the Baltimore and Ohio Railroad.

(d) Seventh Senatorial District

The 7th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Foulk Road with the center line of the boundary between the States of Pennsylvania and Delaware; thence southwesterly along the center line of Foulk Road to its intersection with the center line of Naamans Road; thence northwesterly along the center line of Naamans Road to its intersection with the center line of Magnolia Drive; thence

southwesterly along the center line of Magnolia Drive to its intersection with the center line of Brandywood Drive; thence southwesterly along the center line of Brandywood Drive to its intersection with the center line of Grubb Road; thence northwesterly along the center line of Grubb Road to its intersection with the center line of Weatherton Drive; thence southwesterly along the center line of Weatherton Drive to its intersection with the center line of Raven Road; thence northwesterly and southwesterly along the center line of Raven Road to its intersection with the center line of Landon Drive; thence southeasterly along the center line of Landon Drive to its intersection with the center line of Kingman Drive; thence southeasterly along the center line of Kingman Drive to its intersection with the center line of Silverside Road; thence generally westerly along the center line of Silverside Road to its intersection with the center line of the north bound lane of Concord Pike (Route 202); thence southerly along the center line of the north bound lane of Concord Pike (Route 202) to its intersection with the center line of Augustine Cut-Off; thence southwesterly along the center line of Augustine Cut-Off to its intersection with the center line of Edgewood Road; thence northwesterly and southwesterly along the center line of Edgewood Road to its intersection with the center line of Granite Road; thence southeasterly along the center line of Granite Road to its intersection with the center line of School Road; thence northeasterly along the center line of School Road to its intersection with the center line of Alapocas Drive; thence southeasterly along the center line of Alapocas Drive to its intersection with the center line of Augustine Cut-Off; thence southwesterly along the center line of Augustine Cut-Off to its intersection with the center line of the boundary of the City of Wilmington; thence generally in a counterclockwise direction along the center line of the boundary of the City of Wilmington to its intersection with the center line of duPont Road at the entrance to Silverbrook Cemetery; thence in a southwesterly direction along the center line of duPont Road to its intersection with the center line of Faulkland Road; thence westerly along the center line of Faulkland Road to its intersection with the center line of Red Clay Creek; thence in a northerly direction along the center line of Red Clay Creek by its several courses to its intersection with the center line of Barley Mill Road; thence in a northerly and northwesterly direction along the center line of Barley Mill Road to its intersection with the center line of Ramsey

Road; thence in a southwesterly direction along the center line of Ramsey Road to its intersection with the center line of Old Wilmington Road; thence in a northwesterly direction along the center line of Old Wilmington Road to its intersection with the center line of Loveville Road; thence in a southerly direction along the center line of Loveville Road to its intersection with the center line of Graves Road; thence in a southwesterly direction along the center line of Graves Road to its intersection with the center line of Mill Creek; thence generally in a northerly direction along the center line of Mill Creek by its several courses to its intersection with the center line of Brackenville Road; thence in a southwesterly direction along the center line of Brackenville Road to its intersection with the center line of Limestone Road; thence in a southerly direction along the center line of Limestone Road to its intersection with the center line of Curtis Mill Road; thence in a southwesterly direction along the center line of Curtis Mill Road to its intersection with the center line of Pleasant Hill Road – Ebenezer Church Road; thence in a northwesterly direction along the center line of Pleasant Hill Road – Ebenezer Church Road to its intersection with the center line of Pleasant Hill Road – Thompson Station Road; thence in a southwesterly and westerly direction along the center line of Pleasant Hill Road – Thompson Station Road to its intersection with the center line of Milford Crossroads; thence in a northerly direction along the center line of Milford Crossroads to its intersection with the center line of Chambers Rock Road; thence in a westerly direction along the center line of Chambers Rock Road to its intersection with the center line of White Clay Creek; thence in a northerly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of the boundary between the States of Pennsylvania and Delaware; thence in a northeasterly direction along the center line of the boundary between the States of Pennsylvania and Delaware to its intersection with the center line of Foulk Road.

(e) Eighth Senatorial District

The 8th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Faulkland Road with the center line of Red Clay Creek; thence in a northerly direction along the center line of Red Clay Creek by its several courses to its intersection with the center line of Barley Mill Road; thence in a

northerly and northwesterly direction along the center line of Barley Mill Road to its intersection with the center line of Ramsey Road; thence in a southwesterly direction along the center line of Ramsey Road to its intersection with the center line of Old Wilmington Road; thence in a northwesterly direction along the center line of Old Wilmington Road to its intersection with the center line of Loveville Road; thence in a southerly direction along the center line of Loveville Road to its intersection with the center line of Graves Road; thence in a southwesterly direction along the center line of Graves Road to its intersection with the center line of Millcreek and Millcreek Road; thence in a southeasterly direction along the center line of Millcreek Road to its intersection with the center line of Stoney Batter Road; thence in a southwesterly direction along the center line of Stoney Batter Road to its intersection with the center line of Limestone Road; thence in a southeasterly direction along the center line of Limestone Road to its intersection with the center line of Old Limestone Road; thence southeasterly along the center line of Old Limestone Road to its intersection with the center line of Milltown Road; thence northeasterly along the center line of Milltown Road to its intersection with the center line of Pecksniff Road; thence in a southerly direction along the center line of Pecksniff Road to its intersection with the center line of Pickwick Drive; thence southeasterly and southwesterly along the center line of Pickwick Drive to its intersection with the center line of Limestone Road; thence southeasterly along the center line of Limestone Road to its intersection with the center line of the Robert Kirkwood Highway; thence southwesterly along the center line of the Robert Kirkwood Highway to its intersection with the center line of Mill Creek; thence southeasterly along the center line of Mill Creek by its several courses to its intersection with the center line of White Clay Creek; thence in an easterly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of Red Clay Creek; thence northeasterly along the center line of Red Clay Creek by its several courses to its intersection with the center line of the Eastbound Lane of the Wilmington-Christiana Turnpike; thence easterly along the center line of the Eastbound Lane of the Wilmington-Christiana Turnpike to its intersection with the center line of Hershey Run; thence northerly along the center line of Hershey Run, by its several courses to its intersection with the center line of Kiamensi Road; thence southeasterly along the center line of Kiamensi Road to its intersection with the center

line of Newport Gap Pike (Route 41 and Route 141); thence northerly along the center line of Newport Gap Pike (Route 41 and Route 141) to its intersection with the center line of Centerville Road (Route 141); thence northerly along the center line of Centerville Road to its intersection with the center line of the Robert Kirkwood Highway; thence westerly along the center line of the Robert Kirkwood Highway to its intersection with the center line of Red Clay Creek; thence northerly along the center line of Red Clay Creek by its several courses to its intersection with the center line of Faulkland Road.

(f) Ninth Senatorial District

The 9th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Limestone Road with the center line of Linden Hill Road; thence in a southeasterly direction along the center line of Limestone Road to its intersection with the center line of Old Limestone Road; thence in a southeasterly direction along the center line of Old Limestone Road to its intersection with the center line of Milltown Road; thence in a northeasterly direction along the center line of Milltown Road to its intersection with the center line of Pecksniff Road; thence in a southerly direction along the center line of Pecksniff Road to its intersection with the center line of Pickwick Drive; thence in a southeasterly and southwesterly direction along the center line of Pickwick Drive to its intersection with the center line of Limestone Road; thence in a southeasterly direction along the center line of Limestone Road to its intersection with the center line of the Robert Kirkwood Highway; thence in a southwesterly direction along the center line of the Robert Kirkwood Highway to its intersection with the center line of Mill Creek; thence in a southeasterly direction along the center line of Mill Creek by its several courses to its intersection with the center line of White Clay Creek; thence in an easterly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of Red Clay Creek; thence in a northeasterly direction along the center line of Red Clay Creek by its several courses to its intersection with the center line of the eastbound lane of the Wilmington-Christiana Turnpike; thence in a southeasterly direction along the center line of the eastbound lane of the Wilmington-Christiana Turnpike to its intersection with the western boundary of the Town of Newport; thence in a clockwise

direction around the western, northern, eastern, and southern boundary of the Town of Newport to its intersection with the center line of the Christiana River; thence generally in a southwesterly direction along the center line of the Christiana River by its several courses to its intersection with the center line of the Bear-Christiana Road – Ogletown Road (Route 7 and Route 273); thence generally in a northwesterly direction along the center line of the Bear-Christiana Road – Ogletown Road (Route 7 and Route 273) to its intersection with the center line of the Ogletown-Stanton Road (Route 4); thence in a northeasterly direction along the center line of the Ogletown-Stanton Road (Route 4) to its intersection with the center line of Harmony Road; thence in a northwesterly direction along the center line of Harmony Road to its intersection with the center line of White Clay Creek; thence in a westerly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of Muddy Run (Middle Run); thence in a northerly direction along the center line of Muddy Run (Middle Run) by its several courses to its intersection with the center line of Fox Den Road; thence in an easterly direction along the center line of Fox Den Road to its intersection with the center line of Polly Drummond Hill Road (Ebenezer Church Road); thence in a northerly direction along the center line of Polly Drummond Hill Road (Ebenezer Church Road) to its intersection with the center line of Rankin Road; thence in a northeasterly direction along the center line of Rankin Road to its first intersection with the center line of White Clay Crescent Road; thence in a northerly and easterly direction along the center line of White Clay Crescent Road to its intersection with the center line of Boyds Valley Road; thence in a clockwise direction along the center line of Boyds Valley Road to its intersection with the center line of New Linden Hill Road; thence in an easterly direction along the center line of New Linden Hill Road to its intersection with the center line of Pike Creek Road; thence in a northerly direction along the center line of Pike Creek Road to its intersection with the center line of Linden Hill Road; thence in a northeasterly direction along the center line of Linden Hill Road to its intersection with the center line of Limestone Road.

(g) Tenth Senatorial District

The 10th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the

intersection of the center line of White Clay Creek with the center line of the boundary between the States of Pennsylvania and Delaware; thence in a southerly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of North College Avenue; thence in a southerly direction along the center line of North College Avenue to its intersection with the center line of East Main Street; thence in an easterly direction along the center line of East Main Street to its intersection with the center line of Marrows Road; thence in a southerly direction along the center line of Marrows Road to its intersection with the center line of Chestnut Hill Road; thence in a westerly direction along the center line of Chestnut Hill Road to its intersection with the center line of South Chapel Street Extension (Purgatory Swamp Road); thence in a southerly direction along the center line of South Chapel Street Extension (Purgatory Swamp Road) to its intersection with the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike); thence in a southwesterly direction along the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike) to its intersection with the center line of Welsh Tract Church Road; thence southwesterly and westerly along the center line of Welsh Tract Church Road to its intersection with the center line of Sandy Brae Road; thence southerly along the center line of Sandy Brae Road to its intersection with the center line of Old Baltimore Pike; thence northeasterly along the center line of Old Baltimore Pike to its intersection with the center line of Newark-Glasgow Road (Route 896); thence southerly along the center line of Newark-Glasgow Road (Route 896) to its intersection with the center line of the Eastbound Lane of the Pulaski Highway (Route 40); thence westerly along the center line of the Eastbound Lane of the Pulaski Highway (Route 40) to its intersection with the center line of the boundary of the States of Maryland and Delaware; thence northerly along the center line of the boundary between the States of Maryland and Delaware to its intersection with the boundary lines of the States of Maryland, Pennsylvania and Delaware; thence easterly and northeasterly along the center line of the boundary line of the States of Pennsylvania and Delaware to its intersection with the center line of White Clay Creek.

(h) Eleventh Senatorial District

The 11th Senatorial District shall comprise: All that portion

of New Castle County bounded by a line beginning at the intersection of the center line of duPont Road with the center line of the boundary of the City of Wilmington (at Silverbrook Cemetery); thence in a southwesterly direction along the center line of duPont Road to its intersection with the center line of Faulkland Road; thence in a westerly direction along the center line of Faulkland Road to its intersection with the center line of Red Clay Creek; thence in a southerly direction along the center line of Red Clay Creek by its several courses to its intersection with the center line of the Robert Kirkwood Highway; thence in an easterly direction along the center line of the Robert Kirkwood Highway to its intersection with the center line of Centerville Road; thence in a southerly direction along the center line of Centerville Road to its intersection with the center line of Newport Gap Pike (Route 41 and Route 141); thence in a southerly direction along the center line of Newport Gap Pike (Route 41 and Route 141) to its intersection with the center line of Kiamensi Road; thence in a northwesterly direction along the center line of Kiamensi Road to its intersection with the center line of Hershey Run; thence in a southerly direction along the center line of Hershey Run by its several courses to its intersection with the center line of the Wilmington-Christiana Turnpike; thence in a southeasterly direction along the center line of the Wilmington-Christiana Turnpike to its intersection with the center line of the western boundary of the Town of Newport; thence clockwise along the center line of the northern boundary line of the Town of Newport to its intersection with the center line of Newport Pike; thence in a northeasterly direction along the center line of the Newport Pike to its intersection with the center line of Boxwood Road; thence in a northwesterly direction along the center line of Boxwood Road to its intersection with the center line of Overland Street; thence in a northeasterly direction along the center line of Overland Street to its intersection with the center line of West Summit Road; thence in a northwesterly direction along the center line of West Summit Road to its intersection with the center line of Winston Place; thence in a northerly direction along the center line of Winston Place to its intersection with the center line of the southern boundary of the Town of Elsmere; thence in a counter clockwise direction along the southern boundary of the Town of Elsmere to its intersection with the center line of the southern boundary of the City of Wilmington; thence generally in a northerly direction along the center line of the southern boundary of the City of Wilmington to its intersection with the

center line of duPont Road (at Silverbrook Cemetery).

(i) Twelfth Senatorial District

The 12th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of the southern boundary of the City of Wilmington (extended) with the center line of the boundary between the States of Delaware and New Jersey; thence generally in a northwesterly direction along the center line of the southern boundary of the City of Wilmington (extended) to its intersection with the center line of New Castle Avenue; thence in a southwesterly direction along the center line of New Castle Avenue to its intersection with the center line of Memorial Drive; thence generally in a northwesterly direction along the center line of Memorial Drive to its intersection with the center line of duPont Parkway; thence in a southwesterly direction along the center line of duPont Parkway to its intersection with the center line of Basin Road (Route 41 and Route 141); thence in a southeasterly direction along the center line of Basin Road (Route 41 and Route 141) to its intersection with the center line of the western boundary of the Town of New Castle; thence in a counterclockwise direction along the center line of the western and southern boundary of the Town of New Castle and said boundary extended to its intersection with the center line of the boundary between the States of New Jersey and Delaware; thence generally in a northeasterly direction along the center line of the boundary between the States of New Jersey and Delaware to its intersection with the center line of the southern boundary of the City of Wilmington (extended).

(j) Thirteenth Senatorial District

The 13th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the southern boundary of the City of Wilmington and the center line of New Castle Avenue; thence in a southwesterly direction along the center line of New Castle Avenue to its intersection with the center line of Memorial Drive; thence generally in a northwesterly direction along the center line of Memorial Drive to its intersection with the center line of the duPont Parkway; thence in a southwesterly direction along the center line of the duPont Parkway to its intersection with the

center line of Pulaski Highway (Route 40); thence in a southwesterly direction along the center line of the Pulaski Highway (Route 40) to its intersection with the center line of Appleby Road; thence in a northwesterly direction along the center line of Appleby Road to its intersection with the center line of Hares Corner Road (Route 273); thence in an easterly direction along the center line of Hares Corner Road (Route 273) to its intersection with the center line of Airport Road; thence in a northeasterly direction along the center line of Airport Road to its intersection with the center line of New Churchmans Road; thence in a northwesterly direction along the center line of New Churchmans Road to its intersection with the center line of Christiana River; thence in a northeasterly direction along the center line of the Christiana River by its several courses to its intersection with the southern boundary of the Town of Newport; thence in a counterclockwise direction along the center line of the southerly and easterly boundary of the Town of Newport to its intersection with the Newport Pike; thence in a northeasterly direction along the center line of the Newport Pike to its intersection with the center line of Boxwood Road; thence northwesterly along the center line of Boxwood Road to its intersection with the center line of Overland Street; thence in a northerly direction along the center line of Overland Street to its intersection with the center line of West Summit Road; thence in a northwesterly direction along the center line of West Summit Road to its intersection with the center line of Winston Place; thence northerly along the center line of Winston Place to its intersection with the center line of the southern boundary of the Town of Elsmere; thence counterclockwise along the center line of the southern boundary of the Town of Elsmere to its intersection with the center line of the southern boundary of the City of Wilmington; thence counterclockwise along the center line of the southern boundary of the City of Wilmington to its intersection with the center line of New Castle Avenue.

(k) Fourteenth Senatorial District

The 14th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Chambers Rock Road with the center line of White Clay Creek; thence in a southerly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of North College Avenue;

thence in a southerly direction along the center line of North College Avenue to its intersection with the center line of East Main Street; thence in an easterly direction along the center line of East Main Street to its intersection with the center line of Marrows Road; thence in a southerly direction along the center line of Marrows Road to its intersection with the center line of Chestnut Hill Road; thence in a westerly direction along the center line of Chestnut Hill Road to its intersection with the center line of South Chapel Street Extension (Purgatory Swamp Road); thence in a southerly direction along the center line of South Chapel Street Extension (Purgatory Swamp Road) to its intersection with the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike); thence in a northeasterly direction along the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike) to its intersection with the center line of Salem Church Road; thence in a southerly direction along the Salem Church Road to its intersection with the center line of Old Baltimore Pike; thence in a southwesterly direction along the center line of the Old Baltimore Pike to its intersection with the center line of Salem Church Road; thence in a southerly direction along the center line of Salem Church Road to its intersection with the center line of Pulaski Highway (Route 40); thence northeasterly along the center line of Pulaski Highway (Route 40) to its intersection with the center line of Appleby Road; thence in a northwesterly direction along the center line of Appleby Road to its intersection with the center line of Hares Corner Road (Route 273); thence in an easterly direction along the center line of Hares Corner Road (Route 273) to its intersection with the center line of Airport Road; thence in a northeasterly direction along the center line of Airport Road to its intersection with the center line of New Churchmans Road; thence in a northwesterly direction along the center line of New Churchmans Road to its intersection with the center line of the Christiana River; thence generally in a southwesterly direction along the center line of the Christiana River by its several courses to its intersection with the center line of the Bear-Christiana Road – Ogletown Road (Route 7 and Route 273); thence generally in a northwesterly direction along the center line of the Bear-Christiana Road – Ogletown Road (Route 7 and Route 273) to its intersection with the center line of the Ogletown-Stanton Road (Route 4); thence in a northeasterly direction along the center line of the Ogletown-Stanton Road (Route 4) to its intersection with the center line of Harmony Road; thence in a northwesterly direction along the center line of

Harmony Road to its intersection with the center line of White Clay Creek; thence in a westerly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of Muddy Run (Middle Run); thence in a northerly direction along the center line of Muddy Run (Middle Run) by its several courses to its intersection with the center line of Fox Den Road; thence in an easterly direction along the center line of Fox Den Road to its intersection with the center line of Polly Drummond Hill Road (Ebenezer Church Road); thence in a northerly direction along the center line of Polly Drummond Hill Road (Ebenezer Church Road) to its intersection with the center line of Rankin Road; thence in a northeasterly direction along the center line of Rankin Road to its first intersection with the center line of White Clay Crescent Road; thence in a northerly and easterly direction along the center line of White Clay Crescent Road to its intersection with the center line of Boyds Valley Road; thence in a clockwise direction along the center line of Boyds Valley Road to its intersection with the center line of New Linden Hill Road; thence in an easterly direction along the center line of New Linden Hill Road to its intersection with the center line of Pike Creek Road; thence in a northerly direction along the center line of Pike Creek Road to its intersection with the center line of Linden Hill Road; thence in a northeasterly direction along the center line of Linden Hill Road to its intersection with the center line of Limestone Road; thence northwesterly along the center line of Limestone Road to its intersection with the center line of Stoney Batter Road; thence northeasterly along Stoney Batter Road to its intersection with the center line of Mill Creek Road; thence northwesterly along the center line of Mill Creek Road to its intersection with the center line of Mill Creek; thence northerly along the center line of Mill Creek by its several courses to its intersection with the center line of Brackenville Road; thence in a southwesterly direction along the center line of Brackenville Road to its intersection with the center line of Limestone Road; thence in a southerly direction along the center line of Limestone Road to its intersection with the center line of Curtis Mill Road; thence in a southwesterly direction along the center line of Curtis Mill Road to its intersection with the center line of Pleasant Hill Road – Ebenezer Church Road; thence in a northwesterly direction along the center line of Pleasant Hill Road – Ebenezer Church Road to its intersection with the center line of Pleasant Hill Road – Thompson Station Road; thence in a southwesterly and westerly direction along the center line of Pleasant Hill Road –

Thompson Station Road to its intersection with the center line of Milford Crossroads; thence in a northerly direction along the center line of Milford Crossroads to its intersection with the center line of Chambers Rock Road; thence in a westerly direction along the center line of Chambers Rock Road to its intersection with the center line of White Clay Creek.

(1) Fifteenth Senatorial District

The 15th Senatorial District shall comprise: All that portion of New Castle and Kent Counties bounded by a line beginning at the intersection of the center line of the southern boundary of the Town of New Castle and said boundary extended with its intersection with the center line of the boundary between the States of New Jersey and Delaware; thence in a northwesterly direction along the center line of the southern boundary of the Town of New Castle extended and in a clockwise direction around the center line of the southern and western boundary of Town of New Castle to its intersection with the center line of Basin Road (Route 41 and Route 141); thence northwesterly along the center line of Basin Road (Route 41 and Route 141) to its intersection with the center line of duPont Parkway; thence in a southwesterly direction along the center line of duPont Parkway to its intersection with the center line of Pulaski Highway (Route 40); thence in a southwesterly direction along the center line of Pulaski Highway (Route 40) to its intersection with the center line of Salem Church Road; thence in a northerly direction along the center line of Salem Church Road to its intersection with the center line of Old Baltimore Pike; thence northeasterly along the center line of Old Baltimore Pike to its intersection with the center line of Salem Church Road; thence northerly along the center line of Salem Church Road to its intersection with the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike); thence southwesterly along the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike) to its intersection with the center line of Welsh Tract Church Road; thence southwesterly and westerly along the center line of Welsh Tract Church Road to its intersection with the center line of Sandy Brae Road; thence southerly along the center line of Sandy Brae Road to its intersection with the center line of Old Baltimore Pike; thence northeasterly along the center line of Old Baltimore Pike to its intersection with the center line of Newark-Glasgow Road (Route 896); thence southerly along the center line of

Newark-Glasgow Road (Route 896) to its intersection with the center line of the east-bound lane of the Pulaski Highway (Route 40); thence westerly along the center line of the east-bound lane of the Pulaski Highway (Route 40) to its intersection with the center line of the boundary of the States of Maryland and Delaware; thence southerly along the center line of the boundary of the States of Maryland and Delaware to its intersection with the center line of the boundary between New Castle County and Kent County; thence in an easterly direction along the center line of the boundary between New Castle County and Kent County to its intersection with the center line of the northwestern boundary of the Town of Smyrna; thence generally southerly and westerly in a counterclockwise direction along the center line of the western boundary of the Town of Smyrna to its intersection with the center line of the eastern boundary of the Town of Clayton; thence in a counterclockwise direction along the center line of the boundary of the Town of Clayton to its intersection with the center line of the southwestern boundary of the Town of Smyrna; thence in a counterclockwise direction along the center line of the boundary of the Town of Smyrna to its intersection with the center line of the boundary between New Castle County and Kent County thence northeasterly along the center line of the boundary between New Castle County and Kent County to its intersection with the center line of State Route #9; thence southeasterly and southerly along the center line of State Route #9 to its intersection with the center line of the northern boundary of the Town of Leipsic; thence easterly and southerly in a clockwise direction along the northern and eastern boundary of the Town of Leipsic to its intersection with the center line of the Leipsic River; thence generally easterly along the center line of the Leipsic River by its several courses and said river extended to its intersection with the center line of the boundary between the States of New Jersey and Delaware; thence generally northwesterly along the center line of the boundary between the States of New Jersey and Delaware to its intersection with the center line of the southern boundary of the Town of New Castle extended.

Section 5. Amend Chapter 6, Section 641, Title 29, Delaware Code, by striking said section in its entirety and inserting in lieu thereof the following:

**§ 641. Boundaries of the General Assembly Representative District in Kent County**

The boundaries of the several General Assembly Representative Districts in Kent County shall be as follows:

(a) **Thirtieth Representative District**

The 30th Representative District shall comprise: All that portion of Kent County, more particularly described by reference to the General Highway Map of Kent County, dated 1963 (revised June 1, 1969) and Sheet A of said Highway Map of Kent County (revised April 1, 1970) prepared by the Planning Section of the Division of Highways, bounded by a line beginning at a point on the center line of the boundary between the States of Delaware and Maryland; thence in an easterly direction along the center line of the boundary between New Castle County and Kent County in an easterly direction and northeasterly direction passing U. S. Route 13 and in a northerly direction to a point where the said boundary line between Kent County and New Castle County intersects with the center line of the boundary between the States of Delaware and New Jersey; thence continuing along the center line of the Delaware and New Jersey boundary in a southeasterly direction to a point opposite the center of the mouth of the Leipsic River and, thence, in a westerly direction to the mouth of the Leipsic River and, thence, with the center of the Leipsic River in a westerly direction to its northern junction with Little Duck Creek in the Town of Leipsic; thence in a northerly direction along the center line of the eastern boundary line of the Town of Leipsic, then in a westerly direction along the center line of the northern boundary of the Town of Leipsic crossing State Route 9; thence in a southerly direction along the center line of the western boundary of the Town of Leipsic; thence with the center of Little Duck Creek in a westerly direction to its point of intersection with the center line of U. S. Route 13; thence with the center line of U. S. Route 13 in a southerly direction to its point of intersection with County Route 100; thence with the center line of County Route 100 in a westerly direction and southerly direction to its point of intersection with the center line of Fork Branch; thence with the center line of Fork Branch in a southerly direction to its intersection with County Road 99 (College Road); thence in a southwesterly direction along the center line of County Road 99 (College Road) to its intersection with Oakmont Drive; thence in a

southeasterly direction along the western boundary of the City of Dover opposite Oakmont Drive; thence in a northeasterly direction along the said boundary of the City of Dover to its intersection with the center line of County Road 156 (McKee Road); thence southeasterly along the center line of County Road 156 (McKee Road) to its intersection with the center line of County Road 156 (Saulsbury Road); thence southerly along the center line of County Road 156 (Saulsbury Road) to its intersection with the center line of State Route 8; thence in a westerly direction along the center line of State Route 8 crossing County Route 101 to a point at the center of Pearsons Corner at the intersection of State Route 8 and State Route 44; thence in a northwestern direction along the center line of State Route 44 crossing Davis Corner and continuing to a point at the intersection of State Route 44 and the eastern boundary of the Town of Hartly; thence following the meanderings of the boundary of the Town of Hartly in a southerly, westerly, southwesterly, and northeasterly direction, in that sequence, to the intersection of the western boundary of the Town of Hartly with the center line of State Route 44 on the western side of Hartly; thence in a northwesterly direction along the center line of State Route 44 crossing County Route 98 to its intersection with the center line of State Route 300 at Everetts Corner; thence in a westerly direction along the center line of U. S. Route 300 to its intersection with the center line of the boundary between the States of Delaware and Maryland; thence in a northerly direction along the center line of the common boundary of Delaware and Maryland through the Blackiston Wild Life Area to the point where the center line of the boundary of the States of Delaware and Maryland intersects with the center line of the boundary of Kent County and New Castle County which is the place and point of beginning.

(b) Thirty-first Representative District

The 31st Representative District shall comprise: All that portion of Kent County, particularly described by reference to the General Highway Map of Kent County, Delaware, dated 1963 (revised June 1, 1969) and Sheet A of the said Highway Map of Kent County (revised April 1, 1970) prepared by the Planning Section of the Division of Highways, bounded by a line beginning with the center line of the boundary between the States of New Jersey and Delaware at a point opposite the center of the mouth

of the Leipsic River and, thence, in a westerly direction to the mouth of the Leipsic River and, thence, with the center of the Leipsic River in a westerly direction to its intersection with the eastern boundary of the Town of Leipsic; thence in a northerly direction along the center line of the eastern boundary of the Town of Leipsic; thence in a northerly direction along the center line of the eastern boundary line of the Town of Leipsic, then in a westerly direction along the center line of the northern boundary of the Town of Leipsic crossing State Route 9; thence in a southerly direction along the center line of the western boundary of the Town of Leipsic to its intersection with the center line of Little Duck Creek; thence with the center of Little Duck Creek in a westerly direction to its point of intersection with the center line of U. S. Route 13; thence with the center line of U. S. Route 13 in a southerly direction to its point of intersection with County Route 100; thence with the center line of County Route 100 in a southwesterly direction and southerly direction to its point of intersection with the center line of Fork Branch; thence with the center line of Fork Branch in a southerly direction to its intersection with County Road 99 (College Road); thence in a southwesterly direction along the center line of County Road 99 (College Road) to its intersection with Oakmont Drive; thence in a southeasterly direction along the western boundary of the City of Dover opposite Oakmont Drive; thence in a northeasterly direction along the said boundary of the City of Dover to its intersection with the center line of County Road 156 (McKee Road); thence southeasterly along the center line of County Road 156 (McKee Road) to its intersection with the center line of County Road 156 (Saulsbury Road); thence southerly along the center line of County Road 156 (Saulsbury Road) to its intersection with the center line of County Road 73 (The Hazletville Road) and West North Street; thence along the center line of West North Street in a northeasterly direction to its intersection with the center line of New Burton Road; thence in a southeasterly direction along the center line of New Burton Road to its intersection with the center line of Water Street; thence in a northeasterly direction along the center line of Water Street to its intersection with the center line of State Street (U. S. Route 113-A); thence in a northwesterly direction along the center line of State Street to its intersection with the center line of Division Street; thence in a northeasterly direction along the center line of Division Street to its intersection with the center of the St. Jones River; thence in a southeasterly direction along the center of the

St. Jones River to its intersection with the center line of Court Street at the Court Street Bridge; thence in an easterly direction along Court Street crossing the intersections with U. S. Routes 13 and 113 bypass, to its intersection with the center line of the South Little Creek Road; thence with the center line of South Little Creek Road to its intersection with the eastern boundary of the City of Dover (as shown on the U. S. Census Bureau Map of the City of Dover) approximately three-fourths of a mile from said intersection with U. S. 113; thence in a northwesterly direction along the said boundary line of the City of Dover to its intersection with Delaware Route 8 (North Little Creek Road); thence in an easterly direction along the center line of Delaware Route 8 to its intersection with the center line of Willis Drive; thence continuing along the eastern boundary of the City of Dover in a northeasterly, northwesterly, northeasterly, northwesterly, southwesterly and northwesterly direction in that sequence, to its intersection with the center line of White Oak Road; thence with the center line of the White Oak Road in a northeasterly direction to its point of intersection with Delaware Route 9, the road leading from Little Creek to Leipsic; thence with the center line of Route 9 to its point of intersection with the northern boundary of the Town of Little Creek at the intersection of Delaware Routes 9 and 8; thence with the northern and eastern boundaries of the Town of Little Creek to the center of the Little River; thence with the center of the Little River in an easterly direction to its intersection with Delaware Bay; thence in an easterly direction to the boundary between the States of New Jersey and Delaware in Delaware Bay; thence with the New Jersey-Delaware boundary in a northerly direction to the point of beginning.

(c) Thirty-second Representative District

The 32nd Representative District shall comprise: All that portion of Kent County, partially lying within the City of Dover and bounded as follows: beginning at a point which is the intersection of the center lines of State Route 8 and County Route 101 and from said point and place of beginning, following the center line of County Route 101 passing its intersection with County Road 73 to its intersection with the center line of County Road 52 at Hazletville; thence with the center line of County Road 52 in a southeasterly direction passing County Route 228 and continuing in an easterly direction to its intersection with the western boundary of the Town of Wyoming; thence following the

boundaries of the Town of Wyoming in a northerly and easterly direction, passing County Route 195 and crossing the tracks of the Penn Central Railroad, and continuing to a point on the boundary separating the Town of Camden from the Town of Wyoming; thence in a southerly direction along the boundary line separating the Town of Camden from the Town of Wyoming to a point on the center line of State Route 10, which point is at the intersection of Camden-Wyoming Avenue and the road to Willow Grove; thence in an easterly direction passing State Route 13-A and continuing across State Route 13 to a point at the intersection of Route 10 and Route 113A to a point on Route 113-A at a bridge over a branch of the St. Jones River which is also an overflow branch from Moore's Lake; thence following the meanderings of the said branch through the State Fish Hatchery to a point on the center line of the main channel of the St. Jones River; thence in a northwesterly direction along the center line of the St. Jones River to a point where it intersects with the southern boundary line of the City of Dover; thence with the southern boundary of the City of Dover in an easterly direction to its point of intersection with U. S. Route 113, the Dover to Barkers Landing Road; thence with the center line of U. S. Route 113 in a northerly direction to its point of intersection with the Southern Boundary Line of the City of Dover (as of April 1, 1970); thence with the boundary line of the City of Dover in a northeasterly, northwesterly direction to the point where the said boundary line intersects with the center line of the South Little Creek Road; thence along the center line of the South Little Creek Road in a westerly direction crossing the intersection with U. S. Routes 13 and 113 by pass to its intersection with Court Street; thence along the center line of Court Street to its intersection with the St. Jones River at the Court Street Bridge; thence in a westerly direction along the center of the St. Jones River to its intersection with the center line of Division Street; thence in a southwesterly direction along the center line of Division Street to its intersection with the center line of State Street; thence in a southeasterly direction along the center line of State Street to its intersection with the center line of Water Street; thence in a southwesterly direction along the center line of Water Street to its intersection with the center line of New Burton Road; thence in a northwesterly direction along the center line of New Burton Road to its intersection with the center line of West North Street; thence along the center line of West North Street in a southwesterly direction to its intersection with the center line of County Road

156 (Saulsbury Road); thence in a northerly direction along the center line of County Road 156 (Saulsbury Road) to its intersection with the center line of Delaware Route 8 (the Hartly Road); thence in a westerly direction along the center line of State Route 8 to its intersection with County Route 101, the place of beginning.

(d) Thirty-third Representative District

The 33rd Representative District shall comprise: All that portion of Kent County in Little Creek, East Dover, South Murderkill and Milford Hundreds, and bounded as follows: Beginning at a point on the boundary between the States of New Jersey and Delaware in the Delaware Bay opposite the mouth of Mispillion River; thence in a westerly direction to the mouth of Mispillion River which is also on the boundary between Kent and Sussex Counties; thence with the center of the boundary line between Kent and Sussex Counties; thence with the center of the boundary line between Kent and Sussex Counties in a westerly direction to its intersection with the center line of County Road 384; thence northerly along the center line of County Road 384 to its intersection with the center line of County Road 445; thence with the center line of County Road 445 in an easterly direction to the westerly town boundary of Houston; thence southerly, easterly, northerly, and westerly following the town boundary of Houston to its intersection with the center line of County Road 37; thence northerly with the center line of County Road 37 to its intersection with the center line of Delaware Route 14; thence with the center line of Delaware Route 14 in an easterly direction to its intersection with the center line of County Road 388; thence with the center line of County Road 388 in a northwesterly direction to its intersection with the center line of County Road 33; thence with the center line of County Road 33 in a northerly direction to its intersection with the center line of U. S. Route 13; thence with the center line of U. S. Route 13 in a northerly direction to its intersection with County Route 30; thence with the center line of County Route 30 in an easterly and northeasterly direction to its intersection with County Route 29 (formerly known as Delaware Route 10); thence with the center line of County Route 29 (formerly known as Delaware Route 10) in a southeasterly direction to its intersection with the center line of U. S. Route 113A; thence with the center line of U. S. Route 113A in a northwesterly direction to its intersection with the

center line of County Route 26; thence with the center line of County Route 26 in a northeasterly direction to its intersection with the center line of County Route 357 extended; thence with the center line of County Route 357 extended and County Route 357 in an easterly direction to its intersection with the southerly boundary of lands of the United States known as Air Base Housing; thence with the boundary of lands of the United States southeasterly, northerly, southeasterly and northeasterly to its intersection with the center line of U. S. Route 113; thence with the center line of U. S. Route 113 in a southeasterly direction to its intersection with the center line of Delaware Route 9; thence with the center line of Delaware Route 9 in a northerly direction to its intersection with County Road 348; thence with the center line of County Road 348 to its intersection with lands of the United States known as Dover Air Force Base; thence in a northerly, westerly, southerly, westerly, southerly and westerly direction with lands of the United States to its intersection with the center line of U. S. Route 113; thence with the center line of U. S. Route 113 in a southeasterly direction to its intersection with the northwesterly boundary of lands of the United States known as Air Base Housing; thence with the boundary of lands of the United States in a southwesterly direction to its intersection with St. Jones River; thence with the meanderings of the main branch of St. Jones River in a northerly direction to its intersection with the southern boundary of the City of Dover thence with the southern boundary of the City of Dover in an easterly direction to its point of intersection with U. S. Route 113, the Dover to Barkers Landing Road; thence with the center line of U. S. Route 113 in a northerly direction to its point of intersection with the Southern Boundary Line of the City of Dover (as of April 1, 1970); thence with the boundary line of the City of Dover in a northeasterly and northwesterly direction to the point where the said boundary line intersects with the center line of the South Little Creek Road; thence in a westerly direction along the center line of the South Little Creek Road to its intersection with the eastern boundary of the City of Dover (as shown on the U. S. Census Bureau Map of the City of Dover) approximately 3/4 of a mile from the intersection of U. S. 113 and the South Little Creek Road; thence in a northwesterly direction along the said boundary line of the City of Dover to its intersection with Delaware Route 8 (North Little Creek Road); thence in an easterly direction along the center line of Delaware Route 8 to its intersection with the center line of Willis Drive;

thence continuing along the eastern boundary of the City of Dover in a northeasterly, northwesterly, northeasterly, northwesterly, southwesterly, and northwesterly direction, in that sequence, to its intersection with the center line of White Oak Road; thence with the center line of the White Oak Road in a northeasterly direction to its point of intersection with Delaware Route 9, the road leading from Little Creek to Leipsic; thence with the center line of Route 9 to its point of intersection with the northern boundary of the Town of Little Creek at the intersection of Delaware Routes 9 and 8; thence with the northern and eastern boundaries of the Town of Little Creek to the center of the Little River; thence with the center of the Little River in an easterly direction to its intersection with Delaware Bay; thence in an easterly direction to the boundary between the States of New Jersey and Delaware in Delaware Bay; thence with the New Jersey-Delaware boundary in a southerly direction to the point of beginning.

#### Thirty-fourth Representative District

The 34th Representative District shall comprise: All that portion of Kent County including parts of West Dover, North Murderkill and East Dover Hundreds, and bounded as follows: Beginning at a point where the center line of County Route 52 intersects with the center line of County Route 228, thence in a southerly direction through the Petersburg Wildlife Area to a point in the center line of State Route 10 below the Willow Grove intersection; thence in a southeasterly direction along the center line of State Route 10 to its intersection with the center line of County Route 54; thence in an easterly direction along the center line of County Route 54 to the western boundary of the Town of Woodside; thence in a northerly direction along the western boundary of the Town of Woodside; thence in an eastern direction along the northern boundary of the Town of Woodside; thence southerly along the eastern boundary of the Town of Woodside; thence in a westerly direction along the southern border of the Town of Woodside to the center line of U. S. Route 13A; thence in a southerly direction along the center line of U. S. Route 13A to its intersection with the center line of U. S. Route 13; thence with the center line of U. S. Route 13 in a northerly direction to its intersection with County Route 30; thence with the center line of County Route 30 in an easterly and northeasterly direction to its intersection with County Route 29 (formerly known as

Delaware Route 10); thence with the center line of County Route 29 (formerly known as Delaware Route 10) in a southeasterly direction to its intersection with the center line of U. S. Route 113A; thence with the center line of U. S. Route 113A in a northwesterly direction to its intersection with the center line of County Route 26; thence with the center line of County Route 26 in a northeasterly direction to its intersection with the center line of County Road 357 extended; thence with the center line of 357 extended and County Road 357 in an easterly direction to its intersection with the southern boundary of the lands of the United States of America, known as Air Base Housing; thence with the boundary of the lands of the United States of America southeasterly, northerly and northeasterly to its intersection with the center line of U. S. Route 113; thence with the center line of U. S. Route 113 in a southeasterly direction to its intersection with the center line of Delaware Route 9; thence with the center line of Delaware Route 9 in a northerly direction to its intersection with County Route 348; thence with the center line of County Route 348 to its intersection with lands of the United States of America, known as Dover Air Force Base; thence in a northerly, westerly, southerly, westerly, southerly and westerly direction with the lands of the United States to its intersection with the center line of U. S. Route 113; thence with the center line of U. S. Route 113 in a southeasterly direction to its intersection with the northwestern boundary of the Lands of the United States of America, known as Air Base Housing; thence with the boundary of the lands of the United States in a southwesterly direction to its intersection with the St. Jones River; thence in an easterly direction following the meanderings of a branch of the St. Jones River through the State Fish Hatchery to a point in the center line of U. S. Route 113A; thence in a southerly direction to a point where the center line of U. S. Route 113A intersects with the center line of State Route 10; thence in a westerly direction along the center line of State Route 10, crossing U. S. Route 113, and continuing to a point on the center line of the boundary separating the Town of Wyoming and the Town of Camden; thence in a northerly, easterly and northwesterly direction along the eastern boundary of the Town of Wyoming and across the tracks of the Penn Central Railroad and in a southerly direction along the western boundary of the Town of Wyoming to a point in the center line of Route 52; thence in a westerly direction along the center line of Route 52 to its intersection with the center line of County Route 228, which is the point and place of beginning.

## (f) Thirty-fifth Representative District

The 35th Representative District shall comprise: All that portion of Kent County in Mispillion, South Murderkill, and North Murderkill Hundreds lying within the following boundaries: Beginning at a point on the center line of the boundary between the State of Delaware and the State of Maryland which intersects with the center line of the boundary between Kent County and Sussex County, and continuing in an easterly direction, crossing U. S. Route 113 and further continuing in an easterly direction, and in a northeasterly direction to a point where the said Kent County-Sussex County boundary line intersects with the center line of Kent County Road 384; thence northerly along the center line of County Road 384 to its intersection with the intersection with the center line of County Route 445; thence along the center line of County Route 445 in an easterly direction to the western boundary of the Town of Houston; thence in a southerly direction, and easterly direction, and northerly direction and a westerly direction following the boundary of the Town of Houston to its intersection with the center line of County Road 37; thence northerly with the center line of County Road 37 to its intersection with the center line of State Route 14; thence with the center line of State Route 14 in an easterly direction to its intersection with the center line of County Road 388; thence with the center line of County Road 388 in a northwesterly direction to its intersection with the center line of County Road 33 in a northwesterly direction to its intersection with U. S. Route 13; thence in a northerly direction along the center line of U. S. Route 13 to a point on the center line of U. S. Route 13-A; thence northerly along Route 13-A to the southern boundary of the Town of Woodside; thence in an easterly direction along the center line of the southern boundary of Woodside, then in a northerly direction along the eastern boundary of the Town of Woodside, then a westerly direction along the northern boundary of the Town of Woodside, then in a southerly direction along the center line of the western boundary of the Town of Woodside to a point in the center line of Route 54; thence in a westerly direction along the center line of Route 54, crossing County Route 246 to a point where Route 54 intersects with the center line of State Route 10; thence in a northerly direction along the center line of State Route 10 to the center line of the intersection of County Road 228 below Willow Grove; thence following the center line of County Route 228 in a northerly direction through the Petersburg

Wildlife Area and continuing to a point at the intersection of County Route 228 and Route 52; thence in a northwesterly direction along the center line of Route 52 to the center line of the Hazletville intersection of Route 52 and Route 73; thence in a northeasterly direction along the center line of Route 73 to its intersection with the center line of County Route 101; thence in a northerly direction along the center line of County Route 101 to its intersection with State Route 8; thence in a westerly direction along State Route 8 to its intersection with the center line of State Route 44 at Pearson's Corner; thence in a westerly direction along the center line of State Route 44, crossing Davis Corner, to a point on the center line of the eastern boundary of the Town of Hartly; thence following the center line of the southeastern, southern and southwestern boundaries of the Town of Hartly to a point in the center line of State Route 44 on the western side of the Town of Hartly; thence in a northwesterly direction along the center line of State Route 44 to its intersection with the center line of State Route 300 at Everett's Corner; thence in a westerly direction along the center line of State Route 300 to the center line of the boundary between the State of Delaware and the State of Maryland; thence in a southerly direction following the center line of the boundary between the State of Delaware and the State of Maryland through the Town of Marydel and continuing in a southerly direction to the point where the said boundary intersects with the center line of the common boundary of Kent County and Sussex County, which is the point and place of beginning.

Section 6. Amend Chapter 6, Section 642, Title 29, Delaware Code, by striking said section in its entirety and inserting in lieu thereof the following:

**§ 642. Boundaries of the General Assembly Senatorial Districts situate primarily in Kent County with certain portions of said districts situate in Sussex County**

The boundaries of the General Assembly Senatorial Districts situate primarily in Kent County with certain portions of said districts situate in Sussex County shall be as follows:

(a) The 16th Senatorial District

The 16th Senatorial District shall comprise all that portion of

Kent County bounded by a line beginning at the intersection of the center line of the boundary between the States of Maryland and Delaware with the center line of the boundary between New Castle and Kent County; thence in an easterly direction along the center line of the boundary between New Castle County and Kent County to its intersection with the center line of the northwestern boundary of the Town of Smyrna; thence generally southerly and westerly in a counterclockwise direction along the center line of the western boundary of the Town of Smyrna to its intersection with the center line of the eastern boundary of the Town of Clayton; thence in a counterclockwise direction along the center line of the boundary of the Town of Clayton to its intersection with the center line of the southwestern boundary of the Town of Smyrna; thence in a counterclockwise direction along the center line of the boundary of the Town of Smyrna to its intersection with the center line of the boundary between New Castle County and Kent County; thence northeasterly along the center line of the boundary between New Castle County and Kent County to its intersection with the center line of State Route 9; thence southeasterly and southerly along the center line of State Route 9 to its intersection with the center line of the northern boundary of the Town of Leipsic; thence along the western boundary of the Town of Leipsic in a southwesterly direction and a southeasterly direction to a point on the center line of State Route 9 south of the Town of Leipsic; thence in a southerly direction along the center line of State Route 9 to a point on the center line of the intersection of County Route 66 (White Oak Road) at the Cowgill Corner intersection; thence in a southwesterly direction along the center line of Route 66 to its intersection of the eastern boundary of the City of Dover; and following the several courses of the town boundary to its intersection with the center line of County Route 337; thence in a westerly direction along County Route 337 to its intersection with the center line of County Route 88 (Leipsic Road); thence in a northerly direction along the center line of County Route 88 to the point of its intersection with the center line of County Route 332; thence in a westerly direction along the center line of County Route 332 to its intersection with the center line of County Route 331; thence in a westerly direction along the center line of County Route 331 to its intersection with the center line of U. S. Route 13; thence, in a northerly direction along the center line of U. S. 13 to its intersection with the center line of State Route 42 at Bishops' Corner; thence in a southwesterly direction along the center line of State Route 42 to the center line

of the northeasterly boundary of the Town of Cheswold; thence in a northwesterly direction along the center line of the northeastern boundary of the Town of Cheswold, then in a southwesterly direction along the center line of the northwestern boundary of the Town of Cheswold, crossing the Penn Central Railroad tracks, and continuing southwesterly, then southeasterly to a point where the southwestern boundary of the Town of Cheswold intersects with the center line of State Route 42 west of the Town of Cheswold; thence in a westerly direction following the center line of State Route 42 to a point in the center line of County Route 101; thence in a southwesterly direction along the center line of County Route 101, through Dinah's Corner, then continuing in a southerly direction across State Route 8 to a point where the center line of County Route 101 intersects with the center line of County Route 73; thence in a southwesterly direction along the center line of County Route 73 to its intersection with the center line of State Route 52 at Hazletville; thence in a southeasterly direction along the center line of State Route 52 to its intersection with the center line of County Route 228; thence southerly along the center line of County Route 228 to its intersection with the center line of State Route 10 below Willow Grove; thence in a southwesterly direction along the center line of State Route 10 to its intersection with the center line of County Route 54; thence in an easterly direction along the center line of County Route 54 to its intersection with the center line of the western boundary of the Town of Woodside; thence in a southerly direction along the center line of the western boundary of the Town of Woodside, then in an easterly direction along the center line of the southern boundary of the Town of Woodside to the center line of U. S. Route 13A; thence in a southerly direction along the center line of U. S. Route 13A to its intersection with the center line of U. S. Route 13; thence southerly along U. S. 13 to Route 388 (Canterbury Road); thence southeasterly along Route 388 to County Route 31; thence in an easterly direction along the center line of Route 31 to where said Route 31 intersects with the boundary of the Town of Magnolia; thence easterly along the center line of the boundary of the Town of Magnolia, counter-clockwise to the center line of U. S. Route 113A; thence in a southerly direction along the center line of U. S. Route 113A to its intersection with the center line of U. S. Route 113; thence in a southerly direction along the center line of U. S. Route 113 to its intersection with the center line of the northern boundary of the Town of Frederica; thence in a southwesterly direction along the

center line of the northwestern boundary of the Town of Frederica and in a southeasterly direction along the southwestern boundary of the Town of Frederica to its intersection with the center line of the Murderkill River; thence with the meanderings of the Murderkill River, in a southerly direction, crossing County Route 390 and continuing to the intersection of the said river with County Route 388 at McCauley Pond; thence in a southeasterly direction along the center line of County Route 388, crossing Tub Mill Branch, to the center line of State Route 14; thence in a southeasterly direction along the center line of State Route 14 to its intersection with the center line of the northwestern boundary of the City of Milford; thence in a northeasterly and southeasterly direction along the northeastern and northwestern boundary of the City of Milford to its intersection with the center line of the boundary between Kent and Sussex Counties; thence generally southwesterly along the center line of the boundary between Kent and Sussex Counties to its intersection with the center line of U. S. Route 13; thence southerly along the center line of U. S. Route 13 to its intersection with the center line of the boundary of the Town of Greenwood; thence in a clockwise direction along the center line of the northern, eastern and southern boundary of the Town of Greenwood to its intersection with the center line of U. S. Route 13; thence southerly along the center line of U. S. Route 13 to its intersection with the center line of the southern boundary of the Town of Bridgeville (extended); thence in a counterclockwise direction along the eastern, northern, and western boundary to its intersection with the center line of State Route 404; thence northwesterly along the center line of State Route 404 to its intersection with the center line of the boundary between the States of Maryland and Delaware; thence northerly along the center line of the boundary between the States of Maryland and Delaware to its intersection with the center line of the boundary of New Castle County and Kent County.

The 17th Senatorial District shall comprise: All that portion of Kent County beginning at the point of intersection of the center line of the boundary between the State of Delaware and the State of New Jersey and the center line of the Leipsic River, Extended; thence in a westerly direction along the center line of the Leipsic River to a point where it intersects with the center line of the eastern boundary of the Town of Leipsic; thence in a northerly direction along the center line of the eastern boundary of the Town of Leipsic and westerly along the northern line of the

Town of Leipsic to a point in the center line of State Route 9; thence in a southerly direction following the center line of State Route 9 to the center line of the western boundary of the Town of Leipsic; thence in a southwesterly direction and a southeasterly direction along the center line of the boundary of the Town of Leipsic to its intersection with the center line of State Route 9 south of Leipsic; thence in a southerly direction following State Route 9 to its intersection with the center line of County Route 66 (White Oak Road) at Cowgills Corner; thence along the center line of County Route 66 in a southwesterly direction to its intersection with the center line of the boundary of the City of Dover; thence following the various courses of the center line of the boundary of the City of Dover in a northwesterly direction to its intersection with the center line of County Route 337; thence in a westerly direction along the center line of County Route 337 to its intersection with the center line of County Route 88; thence in a northerly direction along the center line of County Route 88 to its intersection with the center line of County Route 332; thence in a westerly direction along the center line of County Route 332 to its intersection with the center line of County Route 331; thence in a westerly direction along the center line of County Route 331 to its intersection with the center line of U. S. Route 13; thence in a northerly direction along the center line of U. S. Route 13 to its intersection with the center line of State Route 42 at Bishops' Corner; thence in a southwesterly direction along the center line of State Route 42 to the center line of the northeastern boundary of the Town of Cheswold; then in a northwesterly direction along the northeastern boundary of the Town of Cheswold; then in a southwesterly direction along the northwestern border of the Town of Cheswold to a point where the southwestern boundary of the Town of Cheswold intersects with the center line of State Route 42; thence in a westerly direction along the center line of State Route 42 to its intersection with County Route 101; thence in a southwesterly direction along the center line of County Route 101, through Dinah's Corner, crossing State Route 8, and continuing to the intersection of the center line of County Route 101 with the center line of County Route 73; thence in a southwesterly direction along the center line of County Route 73 to its intersection with the center line of State Route 52 at Hazletville; thence in a southeasterly direction along the center line of State Route 52, crossing Isaacs Branch, to the center line of the western boundary of the Town of Wyoming; thence in a northerly direction along the center line of the

boundary of the Town of Wyoming, crossing Wyoming Lake and continuing along the northern boundary of the Town of Wyoming, crossing Route 195 to a point on the center line of New Burton Road (Route 190); thence in a northeasterly direction along the center line of New Burton Road to a point where it intersects with the center line of County Route 192; thence in an easterly direction along the center line of Route 192 to its intersection with the center line of U. S. Route 13-A; thence in a northerly direction along the center line of U. S. Route 13-A to its intersection with the center line of the boundary line of the City of Dover; thence in a northwesterly direction following the center line of the boundary of the City of Dover to a point on the center line of Puncheon Run; thence in an easterly direction along the center line of Puncheon Run to its intersection with the center line of U. S. Route 13-A; thence in a northerly direction along the center line of U. S. Route 13-A to its intersection with the center line of Wyoming Avenue; thence in an easterly direction along the center line of Wyoming Avenue to the center line of U. S. Route 113-A; thence in a southerly direction along the center line of U. S. Route 113-A, crossing U. S. Route 13, and continuing to its intersection with the center line of Puncheon Run; thence in an easterly and a southeasterly direction, following the meanderings of Puncheon Run, to its intersection with the center line of the northwestern boundary of lands of the United States, known as Air Base Housing; thence in a northeasterly direction following the center line of the northwestern boundary of Air Base Housing to the center line of U. S. Route 113; thence in a northerly direction along the center line of U. S. 113 to its intersection with the northerly boundary of lands of the United States, known as Dover Air Force Base; thence following the various courses of the northern boundary of Dover Air Force Base to its intersection with County Route 348 and State Route 9 at Postles Corner; thence in a southerly direction along the center line of State Route 9 to its intersection with the center line of U. S. Route 113; thence in a northwesterly direction along the center line of U. S. 113 to its intersection with the center line of the southeastern boundary of Air Base Housing; thence along the center line of the southeastern boundary of Air Base Housing in a southwesterly direction to a point in the center line of St. Jones River; thence in a southeasterly direction, following the meanderings of the St. Jones River, crossing U. S. Route 113, passing Barkers Landing, and continuing to the mouth of the St. Jones River at the Town of North Bowers; thence in a straight line due east to a point in the

center line of the boundary between the State of Delaware and the State of New Jersey in the Delaware Bay; thence in a northwesterly direction along the center line of the boundary between the State of Delaware and the State of New Jersey to the point and place of beginning on the Delaware-New Jersey boundary line opposite the mouth of the Leipsic River.

(c) The 18th Senatorial District

The 18th Senatorial District shall comprise: All that portion of Kent County bounded as follows: Beginning at a point in the Delaware Bay on the center line of the boundary between the State of Delaware and the State of New Jersey; thence in an easterly direction to the mouth of the St. Jones River at Bowers; thence in a northwesterly direction along the center line of the St. Jones River, passing Barkers Landing, crossing U. S. Route 113 and continuing along the St. Jones River to a point in the center line of the southeasterly boundary of the lands of the United States of America, known as Air Base Housing; thence in a northeasterly direction along the center line of the southeastern boundary of Air Base Housing to its intersection with the center line of U. S. Route 113; thence in a southeasterly direction along the center line of U. S. Route 113 to its intersection with the center line of State Route 9; thence in a northerly direction along the center line of State Route 9 to its intersection with the northern boundary line of lands of the United States of America, known as Dover Air Force Base, at Postle's Corner; thence following the course of the center line of the northern boundary of Dover Air Force Base to its intersection with the center line of U. S. Route 113; thence in a southeasterly direction along the center line of U. S. Route 113 to its intersection with the northwestern boundary of Air Base Housing; thence in a southwesterly direction along the center line of the northwestern boundary of Air Base Housing to its intersection with the St. Jones River; thence in a northwesterly direction, following the meanderings of the St. Jones River to its intersection with the center line of Puncheon Run; thence in a westerly direction along the center line of Puncheon Run to its intersection with U. S. Route 113A; thence northerly along the center line of Route 113A, crossing U. S. Route 13 and continuing to its intersection with the center line of Wyoming Avenue; thence in a westerly direction along the center line of Wyoming Avenue to its intersection with the center line of U. S. Route 13A; thence in a

southerly direction along the center line of U. S. Route 13A to its intersection with the center line of Puncheon Run; thence in a westerly direction along the center line of Puncheon Run to its intersection with the boundary of the City of Dover; thence in a southeasterly direction along the center line of the boundary of the City of Dover to a point on the center line of U. S. Route 13A; thence in a southerly direction along the center line of U. S. Route 13A to a point in the center line of County Route 192; thence in a westerly direction along the center line of County Route 192 to a point in the center line of County Route 190; thence in a southwesterly direction along the center line of County Route 190 to a point on the center line of the northern boundary of the Town of Wyoming; thence, in a westerly direction following the center line of the Town of Wyoming, crossing the Penn Central Railroad tracks and continuing in a southwesterly direction across Wyoming Lake to a point on the center line of State Route 52; thence in a westerly direction along the center line of Route 52 to its intersection with the center line of County Route 228; thence in a southerly direction along the center line of County Route 228 to its intersection with the center line of U. S. Route 10 below Willow Grove; thence in a southwesterly direction along the center line of Route 10 to its intersection with the center line of County Route 54, thence in an easterly direction along the center line of County Route 54 to its intersection with the center line of the western boundary of the Town of Woodside; thence in a southerly direction along the center line of the western boundary of the Town of Woodside; thence in an easterly direction along the center line of the southern boundary of the Town of Woodside to the center line of U. S. Route 13A; thence in a southerly direction along the center line of U. S. Route 13A to its intersection with the center line of U. S. Route 13; thence southerly along U. S. 13 to Route 388 (Canterbury Road); thence southeasterly along Route 388 to County Route 31; thence in an easterly direction along the center line of Route 31 where said Route 31 intersects with the boundary of the Town of Magnolia; thence easterly along the center line of the boundary of the Town of Magnolia, counter-clockwise, to the center line of U. S. Route 113A; thence in a southerly direction along the center line of U. S. Route 113A to its intersection with the center line of U. S. Route 113; thence in a southerly direction along the center line of U. S. Route 113 to its intersection with the center line of the northern boundary of the Town of Frederica; thence in a southwesterly direction along the

center line of the northwestern boundary of the Town of Frederica and in a southeasterly direction along the southwestern boundary of the Town of Frederica to its intersection with the center line of the Murderkill River; thence with the meanderings of the Murderkill River, in a southerly direction crossing County Route 390 and continuing to the intersection of the said river with County Route 388 at McCauley Pond; thence in a southeasterly direction along the center line of Route 388, crossing Tub Mill Branch, to the center line of State Route 14; thence in a southeasterly direction along the center line of State Route 14 to its intersection with the center line of the northwestern boundary of the City of Milford; thence in a northeasterly and southeasterly direction along the northwestern and northeastern boundary of the City of Milford to its intersection with the center line of the boundary between Kent and Sussex Counties; thence northeasterly and easterly along the center line of the boundary between Kent County and Sussex County and said boundary extended to its intersection with the center line of the boundary between the States of New Jersey and Delaware; thence northerly along the center line of the boundary between the States of New Jersey and Delaware to its intersection with the center line of St. Jones River extended.

Section 7. Amend Chapter 6, Section 651, Title 29, Delaware Code, by striking said section in its entirety and inserting in lieu thereof the following:

**§ 651. Boundaries of the General Assembly Representative Districts in Sussex County**

The boundaries of the General Assembly Representative Districts in Sussex County shall be as follows:

(a) The 36th Representative District

The 36th Representative District of Sussex County shall comprise: All that portion of Sussex County, particularly described by reference to the General Highway Map of Sussex County prepared by the Planning Section of the Division of Highways and dated 1964, bounded by a line beginning at a point where an imaginary extension of County Road 16 meets the Delaware-New Jersey line in the Delaware Bay opposite Broadkill Beach, Sussex County, Delaware, thence continuing on a south-

westerly direction along and with said Route 16 to the intersection of said Route 16 and Delaware Route 14; thence along and with said Route 14 in a southeasterly direction to the intersection of said Route 14 with County Road 258; thence along and with said Route 258 in a southerly direction to the intersection of said Route 258 with Delaware Route 18; thence along and with said Route 18 in a southwesterly direction to the intersection of said Route 18 with County Road 319; thence along and with said Route 319 in a northerly direction to the intersection of said Route 319 with County Road 565; thence along and with said Route 565 in a westerly direction to the intersection of said Route 565 with U. S. Route 113; thence along and with Route 113 in a northerly direction to the intersection of said Route 113 with Delaware Route 16; thence along and with said Route 16 in a westerly direction to the intersection of said Route 16 with County Road 43; thence along and with said Route 43 in a northwesterly direction to the intersection of said Route 43 with County Road 224; thence along and with said Route 224 in a northwesterly direction to the intersection of Route 224 with County Road 613; thence along and with said Route 613 in a northerly direction to the intersection of said Route 613 with the boundary line dividing Kent and Sussex Counties; thence along and with the said boundary line between Kent and Sussex Counties in a northeasterly direction to the point where said boundary line meets the Delaware-New Jersey boundary line in the Delaware Bay; thence in a southeasterly direction with the said Delaware-New Jersey state line in the Delaware Bay to the place of beginning.

(b) The 37th Representative District

The 37th Representative District of Sussex County shall comprise: All that portion of Sussex County particularly described by reference to the General Highway Map of Sussex County prepared by the Planning Section of the Division of Highways and dated 1964, bounded by a line beginning at a point where an imaginary extension of County Road 16 meets the Delaware-New Jersey boundary line in the Delaware Bay opposite Broadkill Beach, Sussex County, Delaware; thence along and with the said County Road 16 to the intersection of said Route 16 with Delaware Route 14; thence along and with said Route 14 in a southeasterly direction to the intersection of said Route 14 with County Road 258; thence along and with said Route 258 in a

southerly direction to the intersection of said Route 258 with Delaware Route 18; thence along and with said Route 18 to the point where said Route 18 intersects with Delaware Route 30 at Gravel Hill; thence along and with said Route 30 in a southerly direction to the intersection of said Route 30 with County Road 47; thence along and with said Route 47 in an easterly direction to the intersection of said Route 47 with Delaware Route 5; thence along and with said Route 5 in a southeasterly direction to the point where said Route 5 joins with Delaware Route 24; thence continuing in a southerly direction along said Routes 5 and 24 to an intersection marking the point of separation of said Routes 5 and 24; thence continuing along and with said Route 5 in a southeasterly direction crossing the intersection of said Route 5 with County Road 312 at Oak Orchard; thence continuing along an imaginary extension of said Route 5 in a southeasterly direction to the intersection of said imaginary extension with the waters of the Indian River; thence crossing said Indian River, from said intersection, in a southwesterly direction to the mouth or entrance of Blackwater Creek; thence along and with the several meanderings of said Blackwater Creek in a southerly direction to the point where said Blackwater Creek intersects with Delaware Route 26 west of County Road 346; thence along and with said Route 26 in an easterly direction to the point where said Route 26 intersects with the westerly boundary of the Town of Millville; thence binding along and with the southwesterly boundary of the said Town of Millville to a point where the said boundary of the Town of Millville intersects with the southwesterly boundary of the Town of Ocean View; thence in a southeasterly direction to the point where the southern boundary of the said Town of Ocean View intersects with County Road 361; thence along and with said Route 361 in a southeasterly direction to the point where said Route 361 intersects with County Road 362; thence along and with said Route 362 in a southwesterly direction to the intersection of said Route 362 and County Road 363; thence along and with said Route 363 in a southwesterly direction to the intersection of said Route 633 and County Road 84; thence along and with Route 84 in a southwesterly direction to the intersection of said Route 84 and County Road 384; thence along and with said Route 384 in a southerly direction to the intersection of said Route 384 with County Road 382; thence along and with said Routes 382 and 384 to the intersection of said Routes 382 and 384 to the intersection of said routes 382 and 384 with County Road 389; thence along and with said Route 389 in a

southerly direction to the intersection of said Route 389 with County Road 58; thence along and with said Route 58 in an easterly direction to the intersection of said Route 58 with County Road 396; thence along and with said Route 396 in a southwesterly direction to the Mason-Dixon Line marking the boundary between Delaware and Maryland; thence along and with said boundary line between Delaware and Maryland in an easterly direction to the point where said boundary line extended meets the Delaware State line in the Atlantic Ocean; thence in a northerly direction along and with the State line in the Atlantic Ocean to the point where said boundary line intersects with the Delaware and New Jersey boundary line; thence along and with the Delaware and New Jersey boundary line in the Delaware Bay to the place of beginning.

(c) The 38th Representative District

The 38th Representative District of Sussex County shall comprise: All that portion of Sussex County, particularly described by reference to the General Highway Map of Sussex County prepared by the Planning Section of the Division of Highways and dated 1964, bounded by a line beginning at the intersection of Delaware Route 20, also known as County Road 21, with the boundary between Delaware and Maryland; thence proceeding in an easterly direction along and with the said Route 20 to a point where the said Route 20 intersects with County Road 30; thence along and with said Route 30 in a northerly direction to a point where said Route 30 intersects with Delaware Route 18 at Atlanta; thence along and with said Route 18 in an easterly direction to a point where the said Route 18 intersects with U. S. Route 13; thence along and with said Route 13 in a southerly direction to a point where said Route 13 intersects with County Road 46; thence along and with said Route 46 in a southeasterly direction to a point where said Route 46 intersects with Delaware Route 28 and County Road 329; thence in a southeasterly direction along and with said Route 329 to a point where said Route 329 intersects with U. S. Route 113; thence along and with said Route 113 in a northwesterly direction to a point where said Route 113 intersects with County Road 321; thence along and with the said Route 321 to a point where said Route 321 intersects with County Road 325; thence along and with said Route 325 to a point where said Route 325 intersects with County Road 48; thence along and with said Route 48 in a

southeasterly direction to a point where the said Route 48 intersects with County Road 297; thence along and with the said Route 297 to a point where said Route 297 intersects with Delaware Route 30; thence in a northerly direction along and with the said Route 30 to a point where said Route 30 intersects with Delaware Route 18 at Gravel Hill; thence in a southwesterly direction along and with the said Route 18 to a point where the said Route 18 intersects with County Road 319; thence in a northerly direction along and with the said Route 319 to a point where it intersects with County Road 565; thence in a westerly direction along and with the said Route 565 to a point where said Route 565 intersects with U. S. Route 113; thence along and with the said Route 113 in a northerly direction to a point where said Route 113 intersects with Delaware Route 16; thence along and with said Route 16 to a point where it intersects with County Road 43; thence in a northwesterly direction along and with said Route 43 to a point where said Route 43 intersects with County Road 224; thence in a northwesterly direction along and with said Route 224 to a point where said Route 224 intersects with County Road 613; thence in a northerly direction along and with said Route 613 to a point where it intersects with the division line between Kent and Sussex Counties; thence along and with the said boundary line between Kent and Sussex Counties in a westerly direction to a point where said boundary line intersects the boundary between Delaware and Maryland; thence in a southerly direction along and with the said boundary between Delaware and Maryland to the place of beginning.

(d) The 39th Representative District

The 39th Representative District of Sussex County shall comprise: All that portion of Sussex County, particularly described by reference to the General Highway Map of Sussex County prepared by the Planning Section of the Division of Highways and dated 1964, bounded by a line beginning at a point where the Penn Central Railroad intersects Delaware Route 20 at Flower Station; thence along and with said Route 20 in an easterly direction to the intersection of said Route 20 and County Road 30; thence along and with said Route 30 in a northerly direction to a point where said Route 30 intersects with Delaware Route 18; thence along and with said Route 18 in an easterly direction to a point where said Route 18 intersects with U. S. Route 13; thence along and with said Route 13 in a southerly direction to a point

where said Route 13 intersects with County Road 46; thence along and with said Route 46 in a southeasterly direction to a point where said Route 46 intersects with Delaware Route 28; thence in a southwesterly direction along and with said Route 28 to a point where said Route 28 intersects with Delaware Route 20; thence along and with said Route 20 to a point where said Route 20 intersects with County Road 479; thence in a southerly direction along and with said Route 479 to a point where said Route 479 intersects with Delaware Route 28; thence along and with the said Route 28 in a southwesterly direction to a point where the said Route 28 intersects with the northern boundary of the Town of Laurel; thence continuing along and with the northerly boundary of the said Town of Laurel in a southwesterly direction to a point where the said boundary of the Town of Laurel intersects with a stream known as Broad Creek; thence along and with the meanderings of the said Broad Creek in a westerly direction to a point where the said Broad Creek intersects with the easterly boundary of the Town of Bethel; thence along and with the boundary of the said Town of Bethel in a northerly, westerly, and southwesterly direction, in that sequence, to a point where the boundary of the Town of Bethel again intersects with Broad Creek; thence along and with the several meanderings of the said Broad Creek in a westerly direction to a point where said Broad Creek joins the Nanticoke River; thence along and with the meanderings of the said Nanticoke River in a northerly direction to a point where the said Nanticoke River intersects with the southerly boundary of the City of Seaford; thence along and with the southerly boundary of the City of Seaford in a northerly, westerly and southerly direction, in that sequence, to a point where the said southerly boundary of the City of Seaford intersects with County Road 535; thence along and with said Route 535 to the point where said Route 535 intersects with a line of the Penn Central Railroad; thence along and with the said line of the Penn Central Railroad to a point where the said Penn Central Railroad line intersects with Delaware Route 20 at Flower Station, the place of beginning.

(e) The 40th Representative District

The 40th Representative District of Sussex County shall comprise: All that portion of Sussex County, particularly described by reference to the General Highway Map of Sussex County prepared by the Planning Section of the Division of

Highways and dated 1964, bounded by a line beginning at a point where Delaware Route 26 intersects with the boundary of Delaware and Maryland; thence proceeding in a northerly direction along and with said Route 26 to a point where said Route 26 intersects with County Road 25 at Shaft Ox Corner; thence along and with said Route 26 in an easterly direction to a point where the said Route 26 intersects with U. S. Route 113; thence in a northwesterly direction along and with the said Route 113 to a point where the said Route 113 intersects with the southerly boundary of the Town of Millsboro on Iron Branch; thence along and with the southerly and westerly boundary of the said Town of Millsboro to a point where the said boundary again intersects with U. S. Route 113; thence in a northwesterly direction along and with the said Route 113 to a point where the said Route 113 intersects with County Road 329; thence along and with said Route 329 in a northwesterly direction to a point where said Route 329 intersects with Delaware Route 28; thence along and with said Route 28 in a southwesterly direction to a point where said Route 28 intersects with Delaware Route 20; thence along and with said Route 20 in a westerly direction to a point where said Route 20 intersects with County Road 479; thence along and with said Route 479 in a southerly direction to a point where said Route 479 intersects with Delaware Route 28; thence along and with said Route 28 in a southwesterly direction to a point where said Route 28 intersects with the northerly boundary of the Town of Laurel; thence continuing along and with the northerly boundary of the said Town of Laurel in a southwesterly direction to a point where the said boundary of the Town of Laurel intersects with a stream known as Broad Creek; thence along and with the meanderings of said Broad Creek in a westerly direction to a point where said Broad Creek intersects with the eastern boundary of the Town of Bethel; thence by and with the boundary of the said Town of Bethel in a northerly, westerly, and southwesterly direction, in that sequence, to a point where the said boundary of the Town of Bethel again intersects with said Broad Creek; thence in a westerly direction to a point where the said Broad Creek joins the Nanticoke River; thence along and with the said Nanticoke River in a northerly direction to the point where the said Nanticoke River intersects with the southern boundary of the City of Seaford; thence along and with the southerly boundary of the City of Seaford in a northerly, westerly, and southerly direction, in that sequence, to a point where the southerly boundary of the City of Seaford intersects

with County Road 535; thence along and with said Route 535 in a southwesterly direction to the point where said Route 535 intersects with the line of the Penn Central Railroad; thence along and with the said line of the Penn Central Railroad in a westerly direction to a point where said Penn Central Railroad intersects with Delaware Route 20 at Flower Station; thence along and with said Route 20, also known as County Road 21, in a westerly direction to a point where said Route 20 intersects with the boundary line between Delaware and Maryland; thence along and with the said boundary line between Delaware and Maryland in a southerly and easterly direction, in that sequence, to the place of beginning.

The 41st Representative District of Sussex County shall comprise: All that portion of Sussex County, particularly described by reference to the General Highway Map of Sussex County prepared by the Planning Section of the Division of Highways and dated 1964, bounded by a line beginning at a point on the boundary line between Delaware and Maryland at the intersection of said boundary line with County Road 396; thence extending in a northerly direction along and with said Route 396 to a point where the said Route 396 intersects with County Road 58; thence in a westerly direction along and with said Route 58 to a point where said Route 58 intersects with County Road 389; thence in a northerly direction along and with said Route 389 to a point where said Route 389 intersects with County Road 382; thence continuing in a northerly direction along and with the said Route 382 to a point where said Route 382 intersects with County Road 384; thence in a northerly direction along and with Route 384 to a point where the said Route 384 intersects with County Road 84 at Bayard; thence along and with the said Route 84 to a point where said Route 84 intersects with County Road 363; thence along and with said Route 363 to a point where said Route 363 intersects with County Road 362; thence continuing in a northeasterly direction along and with the said Route 362 to a point where the said Route 362 intersects with County Road 361; thence in a northwesterly direction along and with the said Route 361 to a point where the said Route 361 intersects with the southerly boundary of the Town of Ocean View; thence in a southwesterly direction binding along and with the southwesterly boundary of the said Town of Ocean View to a point where the said boundary intersects with the southerly boundary of the Town of Millville; thence along and with the southerly and westerly

boundary of the said Town of Millville to a point where said boundary intersects with Delaware Route 26; thence in a westerly and northwesterly direction, in that sequence, along and with the said Route 26 to a point where the said Route 26 intersects with Blackwater Creek; thence along and with the meanderings of the Blackwater Creek to the mouth or entrance of the said creek at the waters of the Indian River; thence in a line extending in a northwesterly direction from the said mouth of Blackwater Creek to a point where the imaginary extension of Delaware Route 5 at Oak Orchard intersects with the waters of the said Indian River; thence continuing along and with the imaginary extension of the said Route 5 to the beginning of Route 5 at Oak Orchard; thence in a northwesterly direction along and with the said Route 5 to a point where the said Route 5 joins Delaware Route 24; thence along and with the said Routes 5 and 24 to a point where the said Routes 5 and 24 separate; thence in a northwesterly direction along and with the said Route 5 to a point where the said Route 5 intersects with County Road 47; thence continuing in a westerly direction along and with said Route 47 to a point where said Route 47 intersects with Delaware Route 30; thence in a southerly direction along and with said Delaware Route 30 to a point where said Route 30 intersects with County Road 297 at Mount Joy; thence along and with said Route 297 in a westerly direction to a point where said Route 297 intersects with County Road 48; thence along and with said Route 48 in a northwesterly direction to a point where said Route 48 intersects with County Road 325; thence along and with said Route 325 to the intersection of said Route 325 and County Road 321; thence along and with said Route 321 in a southerly direction to a point where said Route 321 intersects with U. S. Route 113; thence along and with said U. S. Route 113 in a southeasterly direction to a point where said Route 113 intersects with the westerly boundary of the Town of Millsboro; thence along and with the westerly and southerly boundary of the said Town of Millsboro to a point where said boundary of the Town of Millsboro again intersects with U. S. Route 113; thence continuing along and with said Route 113 in a southeasterly direction to a point where said Route 113 intersects with Delaware Route 26; thence along and with said Route 26 in a southwesterly direction to a point where said Route 26 intersects with County Road 25 at Shaft Ox Corner; thence continuing along and with said Route 26 in a southerly direction to the point where said Route 26 intersects the boundary line between Delaware and Maryland; thence along and with said boundary line between

Delaware and Maryland in an easterly direction to the place of beginning.

Section 8. Amend Chapter 6, Section 652, Title 29, Delaware Code, by striking said section in its entirety and inserting in lieu thereof the following:

**§ 652. Boundaries of the General Assembly Senatorial Districts Wholly in Sussex County**

The boundaries of the several General Assembly Senatorial Districts wholly in Sussex County shall be as follows:

(a) The 19th Senatorial District

The 19th Senatorial District of Sussex County shall comprise: All that portion of Sussex County, particularly described by reference to the General Highway Map of Sussex County prepared by the Planning Section of the Division of Highways and dated 1964, bounded by a line beginning at a point where the boundary line between Kent and Sussex Counties meets the Delaware and New Jersey State line in the Delaware Bay; thence along and with said boundary line in a southwesterly direction to the intersection of said boundary with U. S. Route 13; thence along and with said Route 13 in a southerly direction to the intersection of said Route 13 with the northern boundary of the Town of Greenwood; thence southerly along the center line of U. S. Route 13 to its intersection with the center line of the boundary of the Town of Greenwood; thence in a clockwise direction along the center line of the northern, eastern and southern boundary of the Town of Greenwood to its intersection with the center line of U. S. Route 13; thence southerly along the center line of U. S. Route 13 to its intersection with the center line of the Southern boundary of the Town of Bridgeville (extended); thence in a counterclockwise direction along the eastern, northern, and western boundary to its intersection with the center line of State Route 404; thence along and with said Route 404 in a northwesterly direction to the point where said Route 404 intersects the boundary line between Delaware and Maryland; thence along and with said boundary line between Delaware and Maryland in a southerly direction to the intersection of said boundary line and Delaware Route 20, also known as County Road 21; thence along and with said Route 20 in an easterly direction to the intersection of said Route 20 with a

point on the northwest boundary of the City of Seaford; thence along and with said boundary of the City of Seaford in a northerly, easterly, and northerly direction in that sequence, proceeding thence along and with the northerly boundary of the City of Seaford in an easterly direction to the point where the said northerly boundary of the City of Seaford meets the line of the Penn Central Railroad; thence continuing along an imaginary extension of the said northerly boundary of the City of Seaford in an easterly direction to a point where said imaginary extension intersects with County Road 543; thence along and with Route 543 in a northerly direction to the point where said Route 543 intersects with County Road 546; thence along and with said Route 546 in a northerly direction to the point where said Route 546 intersects with Delaware Route 18; thence along and with said Delaware Route 18 to the intersection of said Route 18 with U. S. Route 13; thence along and with said Route 13 in a southerly direction to the intersection of said Route 13 with County Road 46; thence along and with said Route 46 in an easterly direction to a point where said Route 46 intersects with County Road 529; thence along and with said Route 529 in a northeasterly direction to the intersection of said Route 429 with Delaware Route 18; thence along and with said Route 18 in an easterly direction to the intersection of said Route 18 with U. S. Route 113; thence along and with said Route 113 in a southeasterly direction to the intersection of said Route 113 with County Road 321; thence along and with said Route 321 to a point where said Route 321 intersects with County Road 325; thence along and with said Route 325 in an easterly direction to the intersection of Route 325 with County Road 48; thence along and with said Route 48 in a southeasterly direction to the intersection of said Route 48 with County Road 297; thence along and with said Route 297 in a southeasterly direction to the intersection of said Route 297 with Delaware Route 30; thence along and with said Delaware Route 30 in a northerly direction to the intersection of said Route 30 with County Road 47; thence along and with said Route 47 in an easterly direction to the intersection of said Route 47 with Delaware Route 5; thence along and with said Route 5 in a northwesterly direction to the intersection of said Route 5 with Delaware Route 18; thence along and with said Delaware Route 18 in an easterly direction to the intersection of said Route 18 with County Road 258; thence along and with said Route 258 in a northeasterly direction to the intersection of said Route 258 with Delaware Route 14; thence along and with said Route 14 in a

southeasterly direction to the intersection of said Route 14 with Delaware Route 18; thence along and with said Route 18 in a northeasterly direction to the intersection of said Route 18 with the western boundary of the Town of Lewes; thence along and with the boundary of the said Town of Lewes, as shown on the Town Map of Lewes prepared by the Planning Section of the Division of Highways for the Census Bureau and dated 1967 in a northwesterly direction to the point where the said boundary of the Town of Lewes, extended in an imaginary line in an easterly direction from the point where the said boundary line meets the waters of the Delaware Bay, intersects with the Delaware and New Jersey State line in the Delaware Bay; thence along and with the said State line in a northeasterly direction to the place of beginning.

(b) The 20th Senatorial District

The 20th Senatorial District of Sussex County shall comprise: All that portion of Sussex County, particularly described by reference to the General Highway Map of Sussex County prepared by the Planning Section of the Division of Highways and dated 1964, bounded by a line beginning at a point where the northerly boundary of the Town of Lewes extended meets the Delaware and New Jersey State line in the Delaware Bay; thence binding along and with the said boundary of the Town of Lewes extended and the northerly and westerly boundary of the Town of Lewes, as shown on the Town Map of Lewes prepared by the Planning Section of the Division of Highways for the U. S. Census Bureau and dated 1967, to a point where the said boundary of the Town of Lewes intersects with Delaware Route 18; thence along and with the said Route 18 in a southwesterly direction to a point where the said Route 18 intersects with Delaware Route 14; thence along and with said Route 14 in a northwesterly direction to a point where said Route 14 intersects with County Road 258; thence in a southwesterly direction along and with said Route 258 to the intersection of said Route 258 and Delaware Route 18; thence along and with said Route 18 in a westerly direction to the intersection of said Route 18 with Delaware Route 5; thence along and with said Route 5 in a southeasterly direction to the intersection of said Route 5 and County Road 47; thence in a westerly direction along and with said Route 30 with County Road 297; thence in a northwesterly direction along and with said Route 297 to the intersection of said Route 297 with County

Road 48; thence along and with said Route 48 in a northwesterly direction to the intersection of said Route 48 and County Road 325; thence along and with said Route 325 in a westerly direction to the intersection of said Route 325 with County Road 321; thence along and with said Route 321 to a point where it intersects with U. S. Route 113; thence along and with said Route 113 in a southeasterly direction to the intersection of said Route 113 with the northwesterly boundary of the Town of Millsboro; thence along and with the said boundary of the Town of Millsboro in a southerly and easterly direction to the point where the said boundary of the Town of Millsboro intersects with U. S. Route 113; thence along and with said U. S. Route 113 in a southeasterly direction to the intersection of said Route 113 with Delaware Route 26; thence along and with said Route 26 in a westerly direction to the intersection of said Route 26 with County Road 25; thence along and with said Route 25 in a northerly direction to the intersection of said Route 25 with Delaware Route 24; thence along and with said Route 24 in a westerly direction to the intersection of said Route 24 with County Road 62; thence along and with said Route 62 in a southerly direction to the intersection of said Route 62 with County Road 427; thence along and with Route 427 in a southeasterly direction to the intersection of said Route 427 with County Road 414; thence along and with said Route 414 in an easterly direction to the intersection of said Route 414 with Delaware Route 26; thence along and with said Route 26 in a southwesterly direction to the intersection of said Route 26 with the boundary line between Delaware and Maryland; thence along and with said boundary line between Delaware and Maryland in an easterly direction to the point where said boundary meets the Delaware State boundary in the Atlantic Ocean; thence in a northerly direction along the said State boundary to a point where the said ocean boundary intersects with the Delaware and New Jersey State line; thence along and with the Delaware and New Jersey State line in the Delaware Bay in a northwesterly direction to the place of beginning.

(c) The 21st Senatorial District

The 21st Senatorial District of Sussex County shall comprise: All that portion of Sussex County, particularly described by reference to the General Highway Map of Sussex County prepared by the Planning Section of the Division of Highways and dated 1964, bounded by a line beginning at a point where Delaware

Route 26 intersects the boundary line between Delaware and Maryland; thence along and with the said Route 26 to a point where the said Route 26 intersects County Road 414; thence along and with the said Route 414 to a point where said Route 414 intersects with County Road 427; thence along and with the said Route 427 proceeding northwesterly to a point where the said Route 427 intersects with County Road 62; thence in a northwesterly direction along and with said Route 62 to a point where the said Route 62 intersects with Delaware Route 24 at Whaley's; thence in an easterly direction along and with said Route 24 to the intersection of said Route 24 and County Road 25; thence in a southerly direction along and with the said Route 25 to a point where said Route 25 intersects with Delaware Route 26 at Shaft Ox Corner; thence in an easterly direction along and with said Route 26 to the intersection of said Route 26 and U. S. Route 113; thence in a northwesterly direction along and with said Route 113 to a point where said Route 113 intersects with the southerly boundary of the Town of Millsboro on Iron Branch; thence in a westerly, northwesterly, and northerly direction in that sequence, along the said boundary of the Town of Millsboro to a point where the northwesterly boundary of the said Town of Millsboro intersects again with U. S. Route 113; thence in a northwesterly direction along and with said Route 113 to a point where the said Route 113 intersects with Delaware Route 18; thence in a westerly direction along and with Delaware Route 18 to a point where the said Route 18 intersects with County Road 529 at Cokesbury Church; thence in a southwesterly direction along and with said Route 529 to the intersection of said Route 529 and County Road 46; thence in a westerly and northwesterly direction, in that sequence, along and with said Route 46 to a point where said Route 46 intersects with U. S. Route 13; thence in a northerly direction along and with said Route 13 to a point where said Route 13 intersects with Delaware Route 18; thence in a westerly direction along and with said Route 18 to a point where said Route 18 intersects with County Road 546; thence in a southerly direction along and with said Route 546 to the intersection of said Route 546 and County Road 543; thence in a southerly direction along and with said Route 543 to a point where it intersects with the northerly boundary of the City of Seaford extended thence in a westerly direction along the northerly boundary of the City of Seaford extended and the northerly boundary of the City of Seaford; thence in a southerly, westerly, and southerly direction, in that sequence, along and with

the northwesterly boundary of the City of Seaford to a point where the said boundary intersects with Delaware Route 20; thence in a westerly direction along and with the said Route 20, also known as County Road 21, to the intersection of said Route 20 with the Delaware and Maryland boundary; thence along and with the said boundary between Delaware and Maryland in a southerly and easterly direction, in that sequence, to the place of beginning.

Section 9. Amend Chapter 6, § 601, Title 29, Delaware Code, by striking the number "39" wherever it appears therein and inserting in lieu thereof the number "41".

Section 10. Chapter 6, § 602, Title 29, Delaware Code, is amended by striking the number "19" wherever it appears therein and inserting in lieu thereof the number "21".

Section 11. Chapter 6, § 602, Title 29, Delaware Code, is further amended by striking the last sentence thereof and inserting in lieu thereof the following sentence: "The terms of office of the several Senators shall be staggered so that 11 Senators shall be elected at the first biennial General Election following June 30, 1971, for a term of 4 years and 10 Senators shall be elected at such election for a term of 2 years."

Section 12. Chapter 6, § 603 (2), Delaware Code, is amended by striking the number "twenty-one" where it appears therein and inserting in lieu thereof the number "twenty-three".

Section 13. Chapter 6, § 604, Delaware Code, is amended to read as follows:

#### § 604. Allocation of Senatorial Districts

There shall be

(1) Three Senatorial Districts primarily situate in the City of Wilmington.

(2) Twelve Senatorial Districts primarily situate in New Castle County outside the City of Wilmington, but parts of said districts may be situate in the City of Wilmington and/or Kent County.

(3) Three Senatorial Districts primarily situate in Kent County, but parts of said districts may be situate in New Castle County and/or Sussex County.

(4) Three Senatorial Districts primarily situate in Sussex County, but parts of said districts may be situate in Kent County.

Section 14. Chapter 6, § 605 (b), Delaware Code, is amended by inserting the words "primarily situate" after the words "Senatorial Districts" and before the word "therein" where they appear therein.

Section 15. Chapter 6, § 605 (c), Delaware Code, is amended to read as follows:

"(c) The Representative Districts in New Castle County outside the City of Wilmington shall be numbered from 7 through 29, and the Senatorial Districts referred to in § 604 (2) shall be numbered from 4 through 15."

Section 16. Chapter 6, § 605 (d), Delaware Code, is amended to read as follows:

"(d) The Representative Districts in Kent County shall be numbered from 30 through 35, and the Senatorial Districts referred to in § 604 (3) shall be numbered from 16 through 18."

Section 17. Chapter 6, § 605 (e), Delaware Code, is amended to read as follows:

"(e) The Representative Districts in Sussex County shall be numbered from 36 through 41, and the Senatorial Districts referred to in § 604 (4) shall be numbered from 19 through 21."

Section 18. Chapter 6, § 607, Title 29, Delaware Code, is amended to read as follows:

#### **§ 607. Redistricting after Federal Decennial Census**

The apportionment provided for by this chapter shall continue in effect until the official reporting by the President of the United States of the next Federal Decennial Census. After the official reporting of the 1980 Federal Decennial Census, by the

President to Congress, the General Assembly shall, not later than June 30, 1981, reapportion and redistrict the State, wherever necessary, for the General Election of 1982 and thereafter in such a manner that the several Representative and Senatorial Districts shall comply, insofar as possible, with the criteria set forth in subparagraphs (1) through (4) of section 606 of this title. Such apportionment shall thence continue in effect until the next succeeding Federal Decennial Census.

Section 19. Chapter 6, § 608, Title 29, Delaware Code, is amended to read as follows:

**§ 608. Staggered Senatorial Districts**

(a) The Senators from the 1st, 2nd, 6th, 21st, 10th, 11th, 12th, 13th, 15th, 16th, and 20th Senatorial Districts shall be elected for four-year terms in 1972 and 1976, and for a two-year term in 1980.

(b) The Senators from the 3rd, 4th, 5th, 7th, 9th, 14th, 17th, 18th, 19th and 8th Senatorial Districts shall be elected for a two-year term in 1972, and for four-year terms in 1974 and 1978.

Section 20. Chapter 6, § 661, Title 29, Delaware Code, is amended by striking the word "Secretary" where it appears therein and inserting in lieu thereof the word "Administrative Director"; and said section is further amended by striking the date "June 1, 1968" where it appears therein and inserting in lieu thereof the date "January 1, 1972".

Approved July 14, 1971.

## CHAPTER 281

FORMERLY HOUSE SUBSTITUTE NO. 1  
FOR HOUSE BILL NO. 167  
AS AMENDED BY  
HOUSE AMENDMENTS NO. 1 AND 2

**AN ACT TO AMEND CHAPTER 51, TITLE 6, DELAWARE  
CODE, RELATING TO WEIGHTS, MEASURES, AND  
STANDARDS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the members elected to each House concurring therein):*

Section 1. Amend Section 5101 (a), Title 6, Delaware Code, by adding the following definitions:

“A ‘consumer package’ or ‘package of consumer commodity’ shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

A ‘nonconsumer package’ or ‘package of nonconsumer commodity’ shall be construed to mean any commodity in package form other than a consumer package, and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.”

Section 2. Amend Section 5102, Title 6, Delaware Code, by deleting in the first sentence the words “the other” after the words “and one or” and inserting in lieu thereof the word “both”.

Section 3. Amend Section 5104, Title 6, Delaware Code, by deleting in the fifth line thereof the word “certified” and inserting in lieu thereof the word “approved”, and by deleting in the next to the last sentence of the said Section 5104 everything after the words “or for” and inserting in lieu thereof the words “calibration, and approval”.

Section 4. Amend Section 5105, Title 6, Delaware Code, as follows:

a) by striking title "Office and Working Standards and Equipment" and retitling said section "Field Standards and Equipment."

b) in the last sentence of Section 5105, Title 6, Delaware Code, strike the words "and at least once each year" and insert in lieu thereof the words "and thereafter as often as deemed necessary by the Secretary by comparison with State standards."

Section 5. Amend Section 5109, Title 6, Delaware Code, by striking same in its entirety and inserting in lieu thereof a new Section 5109 to read as follows:

§ 5109. Specific powers and duties of Secretary of Agriculture; regulations

The Secretary shall issue from time to time reasonable regulations for the enforcement of this chapter, which regulations shall have the force and effect of law. These regulations may include (1) standards of net weight, measure, or count, and reasonable standards of fill, for any commodity in package form, (2) rules governing the technical and reporting procedures to be followed and the report and record forms and marks of approval and rejection to be used by inspectors of weights and measures in the discharge of their official duties, and (3) exemptions from the sealing or marketing requirements of Section 5115 of this chapter with respect to weights and measures of such character or size that such sealing or marketing would be inappropriate, impracticable, or damaging to the apparatus in question, (4) rules governing the voluntary registration of servicemen and service agencies. These regulations shall include specifications, tolerances and other technical requirements for weights and measures of the character of those specified in Section 5111 of this chapter, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (1) that are not accurate, (2) that are of such construction that they are faulty — that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly — or (3) that facilitate the perpetration of fraud. The specifications, tolerances, and other

technical requirements for commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in the National Bureau of Standards Handbook 44 and supplements thereto, or in any publication revising or superseding Handbook 44, shall be the specifications, tolerances, and other technical requirements for commercial weighing and measuring devices of the State of Delaware, except insofar as specifically modified, amended, or rejected by a regulation issued by the Secretary. For the purposes of this chapter, apparatus shall be deemed to be 'correct', when it conforms to all applicable requirements promulgated as specified in this section; other apparatus shall be deemed to be 'incorrect'.

Section 6. Amend Section 5113, Title 6, Delaware Code, in the first sentence by striking the words "from time to time" and inserting in lieu thereof the words "as often as necessary to provide adequate protection".

Section 7. Amend Section 5118, Title 6, Delaware Code, by striking the final period of the section and inserting at the end of the last sentence the words "or until the rejection tag has been removed and the rejected device repaired and placed in service by a person duly registered to perform such acts under a regulation issued by the Secretary for the registration of weights and measures, servicemen and service agencies".

Section 8. Amend Section 5120, Title 6, Delaware Code, by inserting after the words "or distributor" in the first sentence, the words "as may be prescribed by regulation issued by the Secretary:".

Section 9. Amend further Section 5120, Title 6, Delaware Code, by deleting the word "mislead" in the seventeenth line thereof and inserting in lieu thereof the word "exaggerate".

Section 10. Amend Section 5122, Title 6, Delaware Code, by deleting the word "intentionally" as it appears in the third line thereof.

Section 11. Amend Section 5123, Title 6, Delaware Code, by deleting entire section and inserting in lieu thereof a new Section 5123 to read as follows:

### § 5123. Advertising packages for sale

Whenever a commodity in package form is advertised in any manner and the retail price of the package is stated in the advertisement, there shall be closely and conspicuously associated with such statement of price a declaration of the basic quantity of contents of the package as is required by law or regulation to appear on the package: provided, that, where the law or regulation requires a dual declaration of net quantity to appear on the package, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure (the declaration that is required to appear first and without parentheses on the package) need appear in the advertisement: and provided further, that there shall not be included as part of the declaration required under this section such qualifying terms as 'when packed,' 'minimum,' 'not less than,' or any other terms of similar import, nor any term qualifying a unit of weight, measure, or count (for example, 'jumbo,' 'giant,' 'full,' and the like) that tends to exaggerate the amount of commodity in the package.

Section 12. Amend Section 5126, Title 6, Delaware Code, in the last sentence after the word "combination" by removing the period and adding a semicolon followed by the words, "Provided that, for ready-to-cook stuffed whole carcass, ready-to-cook stuffed poultry, ready-to-cook stuffed poultry roasts, ready-to-cook stuffed rolls, ready-to-cook stuffed bars, ready-to-cook stuffed logs, and ready-to-cook stuffed poultry products designated by terms of similar import, the label must show the total net weight of the poultry product and, in proximity thereto, a statement specifying the minimum weight of poultry in the product."

Section 13. Amend Section 5127, Title 6, Delaware Code, by striking it in its entirety.

Section 14. Amend Section 5129, Title 6, Delaware Code, as follows:

(a) add the word "not" after the word "but" as it appears in the second line of the said section.

(b) by deleting the word "sour cream" as it appears in the third line thereof.

(c) by adding, after the words "1 gallon" as they appear for the first time in the said section, ",", followed by the words "1½ gallons, 2 gallons, 2½ gallons."

(d) by removing the period at the end of the said Section 5129 and appending to the end of the said section the words, "and provided further that on and after July 1, 1971, sour cream and yogurt shall be sold in terms of weight, and sour cream shall be packaged for retail sale only in units of four (4), eight (8), twelve (12), sixteen (16), thirty-two (32), sixty-four (64), and one hundred twenty-eight (128) ounces avoirdupois."

Section 15. Amend Section 5131, Title 6, Delaware Code, as follows:

(a) Delete the title "Coal, Coke, and Charcoal" and retitle the said Section "Bulk deliveries sold in terms of weight and delivered by vehicle."

(b) Delete the words "All coal, coke, and charcoal shall be sold by weight. Unless the fuel is delivered in package form, each delivery of coal, coke or charcoal to an individual purchaser" as these words appear in the first and second sentences and insert in lieu thereof the words "Whenever a vehicle delivers to an individual purchaser a commodity in bulk and the commodity is sold in terms of weight units, the delivery".

(c) In the third sentence delete the word "fuel" wherever it appears and insert in lieu thereof the word "commodity".

(d) Delete the words "or sealer or deputy sealer" as they appear in the third sentence.

Section 16. Amend Section 5133, Title 6, Delaware Code, by striking it in its entirety.

Section 17. Amend Section 5132, Title 6, Delaware Code, by deleting the words "Heating oil" as they appear in the title and text and inserting in lieu thereof the words "Furnace and stove oil," in the title and text.

Section 18. Amend Section 5136, Title 6, Delaware Code, as follows:

(a) Delete subsection (a) in its entirety and insert in lieu thereof a new subsection (a) as follows:

"(a) The Secretary shall appoint as a licensed weighmaster any person who possesses the qualifications provided for in this section and shall make application for the appointment, assigning to each licensee an official number. Any person may be appointed a weighmaster who is a person of good character and capable of operating a stationary scale. Licenses shall be issued to individuals only and not to firms or corporations; but any firm or corporation may have as many members or employees licensed as it desires."

(b) Amend subsection (d) by striking the words "the name of the county in which he is licensed."

(c) Amend further by adding three new subsections to be labeled "(j)", "(k)", and "(l)", to read as follows:

"(j) The Secretary may, upon request and without charge, issue a limited license as a licensed weighmaster to any qualified officer or employee of a city or county of this State or of a State commission, board, institution, or agency, authorizing such officer or employee to act as a licensed weighmaster only within the scope of his official employment in the case of an officer or employee of a city or county or only for and on behalf of the State commission, board, institution, or agency in the case of an officer or employee thereof.

(k) When making a weight determination as provided for by this Act, a licensed weighmaster shall use a weighing device that is of a type suitable for the weighing of the amount and kind of material to be weighed and that has been tested and approved for use by a weights and measures officer of this State.

(l) A licensed weighmaster shall not use any scale to weigh a load the value of which exceeds the nominal or rated capacity of the scale. When the gross or tare weight of any vehicle or combination of vehicles is to be determined, the weighing shall be performed upon a scale having a platform of sufficient size to accommodate such vehicle or combination of vehicles fully, completely, and as one entire unit. If a combination of vehicles must be broken up into separate units in order to be weighed as prescribed herein, each such separate unit shall be entirely

disconnected before weighing and a separate weight certificate shall be issued for such separate unit."

Section 19. Amend Section 5139 (b), Title 6, Delaware Code, by removing the final period of the said section and inserting "unless the device has been placed in service as provided by a regulation of the Secretary issued under the authority of Section 5109 of this chapter." at the end of the said subsection.

Section 20. Amend Section 5139, Title 6, Delaware Code, by deleting the figure "\$10.00" wherever it occurs therein and inserting in lieu thereof the figure "\$25.00", and by deleting the figure "\$25.00" wherever it presently appears therein and insert in lieu thereof the figure "\$50.00".

Section 21. Amend Section 5143, Title 6, Delaware Code, by inserting after the word "Peace" as it appears therein, the words "and the Courts of Common Pleas".

Section 22. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Approved July 15, 1971.

CHAPTER 282

FORMERLY HOUSE SUBSTITUTE NO. 1  
FOR HOUSE BILL NO. 380

**AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE MARSHALLTON-MC KEAN SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT SERVICE ACCOUNT TO ITS CONSTRUCTION FUND, 71-80.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all members elected to each House thereof concurring therein):*

Section 1. The Board of Education of the Marshallton-Mc-Kean School District is authorized to transfer the sum of \$2,372 from its local Debt Service Account to its Construction Fund, 71-80 to pay the district's local share to W. Ellis Preston, Architects for work performed for said district during the fiscal year beginning July 1, 1968.

Approved July 15, 1971.

## CHAPTER 283

## FORMERLY HOUSE BILL NO. 451

**AN ACT TO AMEND CHAPTER 469, VOLUME 56, LAWS OF DELAWARE, KNOWN AS THE "ANNUAL CAPITAL IMPROVEMENTS ACT".**

WHEREAS, the General Assembly in Volume 56, Chapter 469, Laws of Delaware, appropriated to the Public Archives Commission, now known as the Division of Historical and Cultural Affairs of the Department of State, the sum of \$40,000 for the purpose of constructing a Sussex County Records Center; and

WHEREAS, the new State Records Center in Dover currently has a surplus capacity for records and therefore the proposed Sussex County Records Center is not immediately needed; and

WHEREAS, the Prince George Chapel at Dagsboro was funded for construction by the members of the General Assembly in 1969 Capital Improvements Act; and

WHEREAS, the construction of said Chapel has been halted due to insufficient funds, and additional funds are required to complete the project;

**NOW, THEREFORE,**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each branch thereof concurring therein):*

Section 1. Volume 56, Chapter 469, Laws of Delaware, is hereby amended by appropriating the funds originally designated for the Sussex County Records Center in the amount of \$40,000 to the Prince George Chapel at Dagsboro for the purpose of completing said Chapel.

Section 2. Any funds remaining unexpended from this appropriation after June 30, 1972 shall revert to the Capital Improvement Fund.

Approved July 15, 1971.

## CHAPTER 284

## FORMERLY HOUSE BILL NO. 476

**AN ACT TO PERMIT THE MILFORD SCHOOL DISTRICT TO  
TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE  
ACCOUNT TO CERTAIN CONSTRUCTION ACCOUNTS.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each House thereof concurring therein):*

Section 1. The Milford School District is hereby authorized and empowered to transfer the sum of \$22,145 from the Milford School District Debt Service Account to the following construction accounts:

To Account No. 95-18-67-00 (CN 215-A)

Non-budgeted Inspection and Audit Fees	\$10,696	
Non-budgeted Change-orders	8,912	
		\$19,608

To Account No. 95-18-67-80 (CN 215-B)

Non-budgeted Inspection and Audit Fees		<u>2,537</u>
		\$22,145

Approved July 15, 1971.

## CHAPTER 285

FORMERLY SENATE BILL NO. 293  
AS AMENDED BY  
SENATE AMENDMENT NOS. 1 & 4**AN ACT TO AMEND TITLE 19, DELAWARE CODE, CHAPTER 7, SUBCHAPTER 11, RELATING TO DISCRIMINATION IN EMPLOYMENT AND MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF LABOR TO IMPLEMENT THIS ACT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 19, Delaware Code, Chapter 7, Subchapter 11, is amended by repealing Sections 710, 711, 712 and 713 thereof and inserting in lieu thereof the following new sections:

**§ 710. Definitions**

For the purposes of this subchapter –

“Person” includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

“Employer” includes the State or any political subdivision or board, department, commission or school district thereof and any person employing four or more persons within the State but except as hereinafter provided, does not include religious, fraternal, charitable or sectarian corporations or associations, except such corporations or associations supported, in whole or in part, by governmental appropriations. The term “employer” with respect to discriminatory practices based on race, color, age or national origin, includes religious, fraternal, charitable and sectarian corporations and associations employing four or more persons within the State.

“Employee” means an individual employed by an employer, but does not include (1) any individual employed in agriculture or in the domestic service of any person, (2) any individual who, as a

part of his employment, resides in the personal residence of the employer, (3) any individual employed by said individual's parents, spouse or child.

“Employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person.

“Labor organization” includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

“Secretary” means the Secretary of the Department of Labor or his designee.

“Age” as used in this subchapter includes only persons between the ages of 40 and 65.

“Review Board” means a board consisting of five (5) members constituted as follows: Three members appointed by the Governor, one of whom shall be designated to serve as chairman, one of the three shall be representative of the general public, one shall be representative of employers, and one shall be representative of organized labor. The remaining members shall be the Secretary of Labor or his designee and the chairman of the Human Relations Commission or his designee.

#### **§ 711. Unlawful employment practices; employer practices**

(a) It shall be an unlawful employment practice for an employer –

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment,

because of such individual's race, color, age, religion, sex, or national origin;

or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, age, religion, sex, or national origin.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, age, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, age, sex, or national origin.

(c) It shall be an unlawful employment practice for a labor organization —

(1) to exclude or to expel from its membership or otherwise to discriminate against any individual because of his race, color, age, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, age, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, age, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Notwithstanding any other provision of this subchapter,

(1) it shall not be an unlawful employment practice for an employer to hire and employ employees for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, age, sex, or national origin in those certain instances where religion, age, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) Notwithstanding any other provision of this subchapter it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, age, religion, sex, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, age, sex, or national origin.

(g) Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this

subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, age, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, age, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, age, sex, or national origin in any community, State, section or other area, or in the available work force in any community, State, section or other area.

(h) Nothing contained in this subchapter as it applies to discrimination because of age or sex shall be interpreted to affect or interfere with the retirement policy or system or any employer or the underwriting or administration of a bona fide employee welfare or benefit plan, provided that such policy, system or plan is not merely a subterfuge to evade the purpose of this subchapter.

#### **§712. Enforcement provisions**

(a) The Department of Labor is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in Section 711 of this title.

(b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by any authorized employee of the Department, alleging that an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs has engaged in an unlawful employment practice, the Department shall serve a copy of the charge on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the "respondent") and shall make an investigation thereof. Charges shall be in writing and shall contain such information and be in such form as the Department requires. Charges shall not be made public by the Department. If the Department determines after such investigation that there is reasonable cause to believe that the charge is not true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. Such notice shall

be in writing and shall set forth the facts upon which the decision is based.

(c) If the Department determines after the investigation referred to in subsection (b) hereof, that there is reasonable cause to believe that the charge is true, the Department shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such conciliation endeavors may be made public by the Department, its officers, or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any person who makes public information in violation of this subsection shall be fined not more than One Thousand Dollars (\$1,000) or imprisoned not more than one year, or both. The Department shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and twenty (120) days from the filing of the charge, or where applicable under subsection (d) or (e) from the date upon which the Department is authorized to take action with respect to the charge.

(d) A charge under subsection (b) must be filed within 90 days after the alleged unlawful employment practice or 120 days after discovery thereof, whichever is the later.

(e) If the Department determines after attempting to secure voluntary compliance under subsection (c) that it is unable to secure from the respondent a conciliation agreement acceptable to the Department and to the person aggrieved, which determination shall not be reviewable in any Court, the Department shall issue and cause to be served upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based, together with a notice of hearing before the Review Board or his agent at a place therein fixed not less than five (5) days after the serving of such complaint. The complaint may be amended at any reasonable time provided that the respondent has sufficient time to respond thereto. Related proceedings may be consolidated for hearing. Any employee of the Department who filed a charge in any case shall not participate in a hearing on any complaint arising out of such charge, except as a witness.

(f) A respondent shall have the right to file an answer to the complaint against him and with the leave of the Review Board, which shall be granted whenever it is reasonable and fair to do so, may amend his answer at any time. Respondents and the person aggrieved shall be parties and may appear at any stage of the proceedings, with or without counsel. The Review Board may grant such other persons a right to intervene or to file briefs, or make oral arguments as *amicus curiae* or for other purposes, as it considers appropriate. All testimony shall be taken under oath and shall be reduced to writing.

(g) If the Review Board finds that the respondent has engaged in an unlawful employment practice, the Review Board shall state its findings of fact in writing and shall issue and cause to be served on the respondent and the person or persons aggrieved by such unlawful employment practice an order requiring the respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), as will effectuate the policies of this subchapter. Provided, that interim earnings or amounts earnable with reasonable diligence by the aggrieved person or persons shall operate to reduce the back pay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Review Board finds that the respondent has not engaged in any unlawful employment practice, the Review Board shall state its findings of fact in writing and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint.

(h) Any complainant or any aggrieved party other than a member of the Department, respondent, or intervenor, aggrieved by an order of the Review Board, including an order dismissing a complaint, may obtain judicial review, and the Review Board may obtain an order of the Court of Chancery for enforcement of its order. The proceeding for review or enforcement is initiated by filing a petition in the Court of Chancery. Copies of the petition shall be served upon all parties of record. Within 30 days after the service of the petition upon the Review Board or its filing by the Review Board or within such further time as the court may allow,

the Review Board shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including any transcript of testimony, which need not be printed. By stipulation of all parties to the review proceeding, the record may be shortened. The court may reverse or modify the order if substantial rights of the petitioner have been prejudiced because of the findings of fact of the Department are clearly erroneous in view of the reliable probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the Review Board, or remanding the case to the Department for further proceedings.

An objection not urged at a hearing shall not be considered by the court unless the failure to urge the objections is excused for good cause shown. A party may move the court to remit the case to the Review Board in the interest of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows good cause for the failure to adduce such evidence before the Review Board.

A proceeding under this section must be initiated within 30 days after a copy of the order of the Review Board is received, unless the Department is the petitioner. If no proceeding is so initiated, the Review Board may obtain a decree of the court for enforcement of its order upon showing that a copy of the petition for enforcement was served on the respondent and that the respondent is subject to the jurisdiction of the court.

(i) After a charge has been filed and until the record has been filed in the Court of Chancery as herein provided, the proceeding may at any time be ended by agreement between the Review Board and the parties for the elimination of the alleged unlawful employment practice, approved by the Review Board and the Review Board may at any time, upon reasonable notice, modify or set aside, in whole or in part, any finding or order made or issued by it. An agreement approved by the Review Board shall be enforceable under subsection (i) and the provisions of that subsection shall be applicable to the extent appropriated to a proceeding to enforce an agreement.

(j) In any action or proceeding under this subchapter the

Court in its discretion, may allow the prevailing party, other than the Review Board or the State, a reasonable attorney's fee as part of the costs, and the Review Board and the State shall be liable for costs, the same as a private person.

(k) The Superior Court of the County where the violation is alleged to have occurred shall have jurisdiction to hear an appeal from any decision made by the Review Board except as provided in subsection (d) herein. Such appeal shall be on record only before the Department.

#### **§ 713. Civil actions by the Attorney General; complaint**

(a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this subchapter, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the Court of Chancery by filing with it a complaint, (1) signed by him (or in his absence the Chief Deputy Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) The Court of Chancery shall have jurisdiction over proceedings brought pursuant to this section.

#### **§ 714. Investigations; examination and copying of evidence related to unlawful employment practices**

(a) In connection with any investigation of a charge filed under Section 712 of this title, the Department shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to unlawful employment practices covered by this subchapter and is relevant to the charge under investigation.

(b) Every employer, employment agency, and labor organi-

zation, subject to this subchapter shall, (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Department shall prescribe by regulation or order, after public hearing, as reasonable, necessary or appropriate for the enforcement of this subchapter or the regulations or orders thereunder. The Department shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this subchapter which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this subchapter, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Department, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may (1) apply to the Department for an exemption from the application of such regulation or order, or (2) if such exemption is denied, bring action for relief in the Court of Chancery. If the Department or the Court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Department or the Court, as the case may be, may grant appropriate relief.

(c) It shall be unlawful for any officer or employee of the Department or make public in any manner whatever any information obtained by the Department pursuant to its authority under this section prior to the institution of any proceeding under this subchapter involving such information. Any officer or employee of the Department who shall make public in any manner whatever any information in violation of this subsection, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000) or imprisoned not more than one year.

**§ 715. Investigatory powers; examination of witnesses; production of evidence**

(a) For the purposes of any investigation of a charge filed under the authority contained in Section 712 of this title, the Department shall have authority to subpoena and examine witnesses under oath and to require the production of documentary evidence relevant or material to the charge under investigation. The subpoenas may be issued and oaths administered by the Secretary or the Chairman of the Review Board.

(b) If the respondent named in a charge filed under § 712 of this title fails or refuses to comply with a demand of the Department for permission to examine or to copy evidence in conformity with the provisions of subsection (a) of this section, or if any person required to comply with the provisions of § 714 (a) and (b) of this title fails or refuses to do so, or if any person fails or refuses to comply with a demand by the Department or Review Board to give testimony under oath, the Superior Court of the County in which the person is found, resides, or transacts business, shall upon application of the Department or Review Board have jurisdiction to issue to such person an order requiring him to comply with the provisions of § 714 (a) or (b) of this title or to comply with the demand of the Department or Review Board, but the attendance of a witness may not be required outside the State where he is found, resides, or transacts business, and the production of evidence may not be required outside the State where such evidence is kept.

(c) Any subpoena, process, or order of the Department or Review Board or any notice or paper requiring service, may be served by any Sheriff, Deputy Sheriff, Constable, or any employee of the Department, and return thereof made to the Department or Review Board. Such officer shall receive the same fees as are provided by law for like service in civil actions, except that if service is made by an employee of the Department, he shall not receive any fee, but shall be paid his actual expenses.

(d) Within twenty (20) days after the service upon any person charged under § 712 of this title of a demand by the Department or Review Board for the production of documentary evidence or for permission to examine or to copy evidence in conformity with the provisions of § 714 (a) of this title, such

person may file in the Superior Court of the County in which he resides, is found, or transacts business, and serve upon the Review Board either by personal service upon the Review Board or by registered mail, a petition for an order of such Court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the Court shall not run during the pendency of such petition in the Court. Such petition shall specify each ground upon which the petition relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this subchapter or with the limitations generally applicable to compulsory process or upon any constitutional or other legal right or privilege of such person. No objection which is not raised by such a petition may be used in defense to a proceeding initiated by the Review Board under subsection (b) of this section for enforcement of such a demand unless such proceeding is commenced by the Review Board prior to the expiration of the twenty (20) day period, or unless the Court determines that the defendant could not reasonably have been aware of the availability of such ground of objection.

(e) In any proceeding brought by the Department under subsection (b) of this section, except as provided in subsection (c) of this section, the defendant may petition the Court for an order modifying or setting aside the demand of the Review Board.

(f) If any person, in proceedings before the Review Board, disobeys or resists any lawful order or process, or disobeys or resists any order issued pursuant to § 712 (f) of this subchapter, or misbehaves during a hearing or so near the place thereof as to obstruct the hearing, neglects to produce after having been ordered to do so, any pertinent document, or refuses to appear after having been subpoenaed, or upon appearing, refuses to take the oath as a witness, or after having taken the oath, refuses to be examined according to law or refused to obey or comply with any order of the Review Board, the Review Board shall certify the facts under the hand of the Secretary to any Judge of the Superior Court, who shall thereupon hear the evidence as to the acts complained of. If the evidence so warrants, the Judge shall punish such person in the same manner and to the same extent as for a contempt committed before the Superior Court, or shall commit such person upon the same conditions as if the doing of the

forbidden act had occurred with reference to the process of, or in the presence of the Superior Court.

#### **§ 716. Posting of notices; penalties**

(a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment and members are customarily posted, a notice to be prepared or approved by the Department setting forth excerpt from, or summaries, of the pertinent provisions of this subchapter and information pertinent to the filing of a complaint.

(b) A willful violation of this section shall be punishable by a fine of not more than One Hundred Dollars (\$100.00) for each separate offense.

#### **§ 717. Veterans' special rights or preference**

Nothing contained in this subchapter shall be construed to repeal or modify any State or local law creating special rights or preference for veterans.

#### **§ 718. Criminal jurisdiction in Superior Court**

The Superior Court shall have jurisdiction over any violation of any criminal provision of this subchapter.

Section 2. Any action, proceeding or prosecution brought pursuant to the sections of Title 19 repealed herein shall remain in full force and effect until any action, case, prosecution, trial or any other legal proceeding in progress under or pursuant to the previous wording of the sections amended by this Act, no matter what the stage of the proceeding, shall be preserved and shall not become illegal or terminated upon the effective date of this Act. For purposes of such proceedings in progress the prior law shall remain in full force and effect.

Section 3. If any section, subsection, phrase, word or words or the application thereof to any circumstance or person shall be declared unconstitutional by any State or Federal Court, then the remainder of this Act or its application which can be given effect

without the invalid provision or application shall remain in full force and effect.

Section 4. The sum of \$10,000 is appropriated for the Fiscal Year ending June 30, 1972, to the Department of Labor to implement this Act. This appropriation shall be considered a supplementary appropriation and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any such funds remaining unexpended as of June 30, 1972, shall revert to the General Fund of the State Treasury.

Approved July 15, 1971.

## CHAPTER 286

FORMERLY SENATE BILL NO. 437  
AS AMENDED BY SENATE AMENDMENT NO. 2  
AND HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 51, TITLE 25, DELAWARE CODE, BY GROUPING SECTIONS 5101 THROUGH 5112 UNDER THE HEADING "SUBCHAPTER I" AND BY CREATING A NEW SUBCHAPTER II RELATING TO LEASES FOR MOBILE HOMES AND MOBILE HOME LOTS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House concurring therein):*

Section 1. Amend Chapter 51, Title 25, Delaware Code, by grouping Sections 5101 through 5112 under the new heading "Subchapter I. General Landlord and Tenant Laws".

Section 2. Amend Chapter 51, Title 25, Delaware Code, by adding a new Subchapter II which shall read as follows:

**SUBCHAPTER II. LEASE OF MOBILE HOMES OR MOBILE HOME LOTS.**

**§ 5115. Applicability**

This Subchapter shall regulate and determine legal rights, remedies, and obligations of the parties to any rental agreement or lease of a mobile home or mobile home lot in a mobile home or trailer park containing two or more mobile homes within this State, wherever executed, not covered by any county code or other State law. Any agreement, whether written or oral, shall be unenforceable insofar as the agreement or any provision thereof conflicts with any provision of this Act and is not expressly authorized herein.

**§ 5116. Jurisdiction**

Any person, whether or not a citizen or resident of this State, who owns, holds an ownership or beneficial interest in, uses,

manages, or possesses real estate situated in this State, submits himself or his personal representative to the jurisdiction of the courts of this State as to any action proceeding for the enforcement of an obligation arising under this Code.

#### **s 5117. Definitions**

Unless otherwise expressly stated, where terms are not defined under the provisions of this Subchapter, they shall have ascribed to them their ordinarily accepted meanings or such as the context may herein imply.

For purposes of this Subchapter, the following shall mean:

(a) "Landlord". The owner of the rental unit or the property of which it is a part and, in addition, means any person authorized to exercise any aspect of the management of the premises, including any person who, directly or indirectly, receives rents, and who has no obligation to deliver the whole of such receipts to another person.

(b) "Mobile Home". A transportable, single-family dwelling unit used as and suitable for year round occupancy and containing the same type of water supply, waste disposal, and electrical conveniences as immobile housing.

(c) "Mobile Home Park or Trailer Park". Any area or tract of land where two or more mobile homes or mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes or trailers used for human habitation.

(d) "Owner". One or more persons, jointly or severally, in whom is vested all or part of the legal title to property, part or all of the beneficial ownership, and a right to present use and enjoyment of the property.

(e) "Person". Any legal entity, including, but not limited to, the following: an individual, firm, partnership, association, trust, joint stock company, corporation, or successor of any of the foregoing.

(f) "Premises". A lot, plot, or parcel of land including the buildings, structures, and/or mobile homes thereon.

(g) "Recreational Camper or Travel Trailer". A motor vehicle or structure which can be towed by a motor vehicle used either for temporary shelter, recreational, or camping purposes, but not used as a permanent dwelling unit.

(h) "Rent". Any money or other consideration given for the right of use, possession, and occupation of property.

(i) "Rubbish and Garbage". Combustible and non-combustible waste materials; the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food; useless and unstored paper, rags, cartons, boxes, wood, rubber, leather, cans, metals, glass, crockery, and other similar material.

(j) "Transient". A person who resides in a mobile home unit or rents a mobile home lot for less than one hundred twenty days, or whose period of stay is so indefinite that he chooses not to sign a long-term lease.

(k) "Tenant". Any person who occupies a mobile home rental unit for dwelling purposes or a lot on which he parks a mobile home for an agreed upon consideration.

#### **§ 5118. Requisites for rental or offer of mobile home or lot for rental**

No person shall offer for occupancy for rent any mobile home which does not conform to the requirements of sanitation, housing, building, and health codes of the State or of the county in which the mobile home is located or any such codes or regulations which shall be promulgated hereafter.

No person shall offer for rent any lot in a mobile home park which does not conform to subdivision regulations of the county in which the mobile home park is located.

Violation of this section shall be punishable by a fine of not more than \$100 or 30 days in jail.

#### **§ 5119. Exemptions**

No trailer park operated by the State or the federal government, on parkland owned by either, and no trailer park

solely operated for the use of recreational campers or travel trailers shall be subject to the provisions of this Subchapter.

Landlords renting to transients shall be exempted from requirements to offer a written lease to such tenants.

**§ 5120. Obligation of landlord to tender written rental agreement**

No person may offer a mobile home or lot in a mobile home park for rent for a period of more than one hundred and twenty days without showing to the prospective lessee a copy of the rental agreement which must be executed before the lessee can occupy the leased premises. No person may move a mobile home into a mobile home park or personal belongings into a mobile home in this State until a written rental agreement has been signed by the lessee and the lessor, with the exception of transients.

**§ 5121. Effect on existing rental agreements**

Any verbal agreements now existing between the owner of any mobile home park in the State and a tenant shall be operable only if such verbal agreements are made to conform to the requirements of this Subchapter within one month after this date this Act is signed by the Governor. In no case shall the owner of a mobile home park fail to notify his tenants in writing later than one month after the date this Act is signed by the Governor that a written lease will be available upon request by the tenant and that such a lease is being offered in compliance with and will conform to the requirements of this Act.

Any written rental agreements or leases between the owner of a mobile home park and a tenant now in effect shall be made to conform to the provisions of this Subchapter within three months after the date this Act is signed by the Governor. A violation of this Section by the owner of a mobile home park shall be punishable by a fine of not more than fifty dollars or 10 days in jail.

**§ 5122. Effect of unsigned rental agreement**

(1) If the landlord or owner of a mobile home park does not sign a written rental agreement which has been signed and tendered to him by a tenant, acceptance of rent without

reservation by the landlord shall give to the rental agreement the same effect as if it had been signed by the landlord.

(2) If the tenant does not sign a written rental agreement which has been signed and tendered to him by the landlord, continuation of possession and payment of rent without reservation shall give to the rental agreement the same effect as if it had been signed by the tenant. No person serving in the armed forces of the United States shall be required under any conditions to sign or become obligated under any lease which requires that he provide more than two weeks advance notice to the landlord of his intention to terminate the lease in the event that his military orders for reassignment do not provide the tenant with more than two weeks notice of transfer.

(3) Where the rental agreement which is given effect by the operation of this section provides by its terms for a term longer than one year, it shall operate to create only a one-year term.

#### § 5123. Provisions of mobile home park rental agreements

Any rental agreement or lease hereafter executed or currently existing between a landlord and tenant in a mobile home park in this State shall contain, or shall be made to contain, the following provisions:

(1) The landlord shall agree at all times during the tenancy to:

(a) maintain the premises and re-grade them when necessary to prevent the accumulation of stagnant water thereon, and to prevent the detrimental effects of moving water;

(b) maintain the premises in such a manner to protect the health and safety of the occupants or tenants including maintaining the ground at a level such that the mobile home will not tilt from its original position;

(c) keep each lot area in the park marked in such a way that each tenant will be certain of his area of responsibility;

(d) keep all exterior property areas not in the possession of a tenant, but part of the mobile home park property, free of

species of weeds or plant growth which are noxious or detrimental to the health of the tenants;

(e) be responsible for the extermination of insects, rodents, vermin, or other pests dangerous to the health of the tenants whenever infestation exists in the exterior areas of the park or in the interior of a mobile home if such infestation is not the fault of the tenant and particularly if such infestation existed prior to the occupancy of the tenant claiming relief;

(f) maintain, in a rented mobile home, a dwelling which is structurally sound and impervious to the adverse effects of weather, other than a hurricane or tornado wind of fifty (50) miles per hour or more, cyclone, flood, earthquake, severe hailstorm, lightning, or any other such condition which might reasonably be considered beyond the control of the landlord.

(g) maintain all electrical, plumbing, gas, or other utilities provided by him in good working condition with the exception of emergencies after which repairs must be completed within 72 hours or due cause must be shown why such repairs are not immediately possible;

(h) maintain all water and sewage lines and connections in good working order, and in the event of an emergency, make arrangements for the provision of such services on a temporary basis;

(i) respect the privacy of the tenants and if only the lot is rented, agree not to enter the mobile home without the permission of the owner, and if the mobile home is the property of the landlord, to enter only after notice to the tenant;

(j) allow all tenants freedom of choice in the purchase of services such as laundry, milk, or any other such services desired by the tenant except that no mobile home park may be required to allow service vehicles into the park in such numbers and with such frequency that a danger is created for pedestrian traffic in the park; and

(k) maintain all roads within the mobile home park in good condition, providing adequate space for parking 2 cars for each trailer which does not block traffic on any road, and be responsible for damage to any vehicle which is the direct result of

unrepaired or poorly maintained access roads within the mobile home park.

(2) The tenant shall agree at all times during the tenancy to:

(a) keep the mobile home unit, if he rents such, or the exterior premises, if he rents the lot, in a clean and sanitary condition, free of garbage and rubbish;

(b) refrain from the storage of more than one motor vehicle for a period in excess of one month, when such vehicle is in a state of disrepair and therefor is incapable of being moved under its own power, and refrain from the storage of any icebox, stove, building material, furniture, or similar items on the exterior premises when such items are unusable;

(c) keep the supplied basic facilities, including plumbing fixtures, cooking and refrigeration equipment, and electrical fixtures in a leased mobile home unit in a clean and sanitary condition and be responsible for the exercise of reasonable care in their proper use and operation;

(d) dispose from his mobile home all rubbish, garbage, and other waste materials in a clean and sanitary manner as shall be spelled out in the agreement;

(e) abide by all rules or regulations concerning his use, occupation, and maintenance of the premises if such obligations are brought to his attention at the time he signs the rental agreement.

(3) The terms for the payment of rent shall be clearly set forth and all charges for services, ground or lot rent, unit rent, or any other charges shall be specifically itemized in the rental agreement and in all billings of the tenant by the landlord. The total rent for the term of the lease shall be stated therein.

No party other than the lessee, sub-lessee, or the estate of a deceased lessee or sub-lessee of a mobile home lot shall be responsible to the landlord for payment of rent under terms of any oral or written rental agreement, and the landlord shall not be entitled to remittance on the part of any seller of or mortgagee of a mobile home for rents not paid by the tenant and not collectible

from the tenant due to his permanently vacating his mobile home without notice to the landlord or mortgagee and leaving no forwarding address.

(4) Reasonable rules for guest parking shall be clearly stated and unless a violation thereof occurs, no fee shall be charged a tenant or the guest of a tenant for guest parking.

(5) The lease for a mobile home lot shall be transferrable at any time during the term of the lease from the lessee of a lot who owns his mobile home unit to any person to whom he may sell, or transfer title to, his mobile home. The new tenant shall assume all of the duties and obligations of the original lessee, and those of the landlord to the tenant shall remain as to the original lessee for the remainder of the term of the lease. Failure on the part of the original lessee to notify the lessor three weeks prior to the transfer of the lease of a transfer of title to his mobile home and transfer of the lease to a new lessee, giving the name and address of the new lessee in the notice, shall be grounds for termination of the lease by the lessor. The landlord shall have the right to reject the proposed new lessee on the same basis by which he accepts or rejects any new tenant. The new tenant may not be rejected, however, without a written statement as to the cause for such action being given to the original lessee.

(6) The actions on the part of the lessee which may be grounds for eviction from the mobile home park or termination of the lease shall be clearly and specifically stated therein.

(7) The following actions on the part of the tenant shall not constitute grounds for eviction or termination of the lease: (a) filing a complaint with any State, county, or local governmental official regarding any violation by the landlord of this Subchapter or any housing, health, building, sanitation, or other applicable statute or regulation; (b) requesting the landlord to honor his obligations and responsibilities under the terms of this Subchapter or any housing, building, sanitation, health or other applicable statute or regulation of the State, county, or municipality of jurisdiction; (c) filing of a suit against the owner of landlord for any reason; (d) withholding payment of rent while seeking relief for the failure of the landlord to carry out his duties or honor his obligations to the tenant as set out in the rental agreement, provided that the tenant can produce evidence to an

officer of the State Division of Physical Health, the Division of Housing, an officer of the County Department of Engineering, or an officer of any court, if one is called in by the landlord, that a breach of the lease or any State or county regulation governing mobile home parks on the part of the landlord has actually occurred and that the tenant is able to remit the total amount of the rent due upon compliance by the landlord.

Harassment of a tenant in the form of interruption of services, invasions of privacy, or similar means in retaliation for any of the above actions shall constitute grounds for a civil suit by the tenant against the landlord for damages.

Any rental agreement or lease hereafter executed or currently existing between a landlord and tenant in a mobile home park in this State shall not contain the following:

(1) Any provision which permits the landlord to collect a penalty fee for late payment of rent without allowing the tenant a minimum of five (5) days, beyond the date the rent is due, in which to remit;

(2) Any provision which permits the landlord to charge, for late payment of rent, a penalty fee in excess of five (5) per cent of the total lot rent due or four (4) per cent of the total rent due for the mobile home and lot;

(3) Any provision which allows the landlord to increase the total rent or change the payment arrangements during the term of the lease;

(4) Any provision allowing the landlord to charge an amount in excess of one month's rent for a security deposit or to retain the security deposit upon termination of the lease if the tenant has paid his rent in full as of the date of termination and has caused no damage to the landlord's property;

(5) Any provision allowing the landlord to charge an "entrance fee" to a tenant assuming occupancy;

(6) Any provision which prohibits the lessee from terminating the lease upon thirty (30) days notice whenever a change in the location of the lessee's employment requires a change in the

location of his residence except that nothing in this subsection shall be construed to prevent a tenant who is a member of the armed forces of the United States from terminating a lease with less than thirty (30) days notice to his landlord if he receives reassignment orders which do not allow such prior notification;

(7) A waiver of any cause of action against, or indemnification from the lessor by lessee for any injury or harm caused to the lessee, his family, his guests or his property, or the property of his family or his guests resulting from any negligence of the lessor, his agents, or assigns in the maintenance of the premises;

(8) Any provision which denies to the lessee the right to treat a continuing violation, substantial in nature, by the lessor of any agreement or duty protecting the health, welfare or safety of the tenants or occupants, which is set forth in the lease, or which otherwise binds the lessor as a matter of law, as a constructive or actual eviction, which would otherwise permit the lessee to terminate the lease, and to immediately cease payments thereunder, provided that the lessor fails to correct the condition giving rise to the violation or fails to cease the violation within a reasonable time after written notice is given by lessee by registered mail.

#### **§ 5124. Remedies, tenants**

If the landlord fails to substantially conform to the rental agreement, or if there is a material noncompliance with any code, statute, ordinance, or regulation governing the operation of a mobile home park or the maintenance of the premises, the tenant may, on notice to the landlord, terminate the rental agreement and vacate the premises at any time during the first month of occupancy. The tenant shall retain the right to terminate beyond the first month of occupancy so long as he remains in possession in reliance on a promise, whether written or oral, by the landlord to correct all or any part of the condition or conditions which would justify termination by the tenant under this section.

If there exists any condition which deprives the tenant of a substantial part of the benefit and enjoyment of this bargain, the tenant may notify the landlord in writing of the situation and, if the landlord does not remedy the situation within fifteen (15) days, terminate the rental agreement. Such notice need not be

given where the condition renders the mobile home uninhabitable or poses an imminent threat to the health, welfare, and safety of any occupant.

The tenant may not terminate for a condition caused by want of due care of the tenant, a member of his family, or other person on the premises with his consent.

If the condition referred to above was caused willfully or negligently by the landlord, the tenant may recover any damages sustained as a result of the condition including, but not limited to, reasonable expenditures necessary to obtain adequate substitute housing while the mobile home is uninhabitable.

If the landlord of a mobile home park fails to repair, maintain, keep in sanitary condition, or perform in any other manner required by statute or as agreed to in a rental agreement and fails to remedy such failure within thirty (30) days after being notified by the tenant to do so, the tenant may further notify the landlord of his intention to correct the objectionable condition at the landlord's expense and immediately do or have done the necessary work. The tenant may deduct from his rent a reasonable sum for his expenditures by submitting to the landlord copies of his receipts covering at least the sum deducted.

#### **§ 5125. Remedies, landlord**

A landlord may, any time after rent is overdue longer than fifteen (15) days, demand payment thereof and notify the tenant in writing that unless payment is made within a time specified in the notice, not less than five (5) days after receipt thereof, the rental agreement will be terminated. If the tenant remains in default, the landlord may thereafter bring any proper legal action for recovery of rent due and terminate the tenant's lease.

If the tenant breaches any rule or agreement which is material to the lease, the landlord shall notify the tenant of his breach and must allow ten (10) days after such notice for the remedy or correction of such breach. Such notice shall substantially specify the rule allegedly breached and advise the tenant that if the violation continues after not less than ten (10) days after receipt of said notice, the landlord may terminate the rental agreement.

**§ 5126. Termination of the rental agreement**

Whenever the term of the rental agreement expires, if the tenant continues in possession of the premises after the date of termination without the landlord's consent, such tenant shall pay to the landlord a sum, not to exceed the monthly rental under previous agreement, computed and prorated on a daily basis, for each day he remains in possession for any period.

**§ 5127. Security deposit**

If a rental agreement requires the tenant to provide any deposit to the landlord, to be held for the term of the rental agreement, or any part thereof, said deposit shall be considered a security deposit. Security deposits shall be returned in full to the tenant, provided that the lessee has paid all rent due in full for the term of the lease and has caused no actual damages to the leased premises. If the landlord has not returned the security deposit to the tenant prior to the termination of the lease, within fifteen (15) days of the termination or expiration of any lease, the lessor shall provide the lessee with an itemized list of damages to the premises and the estimated cost of repair of each. With the list the landlord shall tender payment for the difference between the security deposit and the estimated cost of repair of damages to the premises. Acceptance of this tender by the lessee shall constitute agreement on the damages as specified by the lessor.

Failure by the landlord to provide a list of damages and tender the remainder of the tenant's deposit within fifteen (15) days shall constitute agreement by the lessor that no damages are due and he shall immediately remit to the lessee the full amount of the security deposit. Failure to provide a forwarding address to the landlord prior to or upon termination of the lease shall relieve the lessor of his responsibilities under this section.

**§ 5128. Renewal of rental agreement**

Any one (1) year rental agreement shall be automatically renewable for a term of one year unless the landlord, with due cause, shall notify the tenant two months prior to the expiration of the lease that it will not be renewed, or the tenant shall notify the landlord one month prior to the expiration of the lease that he does not intend to renew it.

Any lease or rental agreement, whether oral or written, shall be automatically renewable for the same term as the original agreement unless either party, in person or by registered mail, chooses to notify the other a minimum of two weeks prior to the expiration that the agreement shall not be renewed. The only exceptions shall be those set forth above and those wherein the landlord waives his right to advance notice.

**§ 5129. Severability**

If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

Approved July 15, 1971.

## CHAPTER 287

## FORMERLY SENATE BILL NO. 479

**AN ACT TO VALIDATE THE PUBLICATION OF CERTAIN  
CONSTRUCTION BID NOTICES, AND TO AUTHORIZE  
DELAWARE STATE COLLEGE TO AWARD THE CON-  
TRACT FOR CONSTRUCTION OF THE EDUCATION AND  
HUMANITIES CENTER TO THE LOWEST RESPONSIBLE  
BIDDER.**

WHEREAS, legislation has been passed authorizing the Delaware State College to contract for the construction of an Education and Humanities Center; and

WHEREAS, all construction bids were to be in accordance with Section 6905 (c), Title 29 of the Delaware Code, and were to be published in newspapers of state-wide circulation at least once a week during two consecutive weeks; and

WHEREAS, the bids were advertised in five newspapers having a general circulation within the State of Delaware, including publication in Wilmington Morning News in 1971 on March 29, 30 and 31 and publication in the Delaware State News on March 30, 31 and April 1; and

WHEREAS, it is desired to accept the bid of the lowest responsible bidder whose bid of \$3,579,300 was \$178,700 lower than the next lowest bid, and it would be undesirable for many reasons to require re-bidding; and

WHEREAS, there was substantial compliance with the statute, and complete compliance with the spirit of the statute in that notice was freely available to all possible bidders both through newspapers and through construction trade publications such as the Dodge Reports (six times) and the Delaware Contractors Association News (for eight consecutive weeks).

**NOW, THEREFORE:**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The offer for bids by the Delaware State College for the construction of the Education and Humanities Center on the campus of said College is hereby validated and confirmed, notwithstanding the fact that Notice of the acceptance of bids was not published for two consecutive weeks in accordance with Section 6905 (c), Title 29 of the Delaware Code.

Said College is hereby authorized to accept the bid of the lowest responsible bidder.

Approved July 27, 1971.

## CHAPTER 288

## FORMERLY HOUSE BILL NO. 504

**AN ACT TO AMEND TITLE 30, DELAWARE CODE, BY CREATING A NEW PART V THEREOF RELATING TO A TAX ON HOTEL, MOTEL AND TOURIST HOME ACCOMMODATIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 30, Delaware Code, is amended by adding a new Part V to read as follows:

**PART V. PUBLIC ACCOMMODATION TAXES****CHAPTER 61. LODGING TAX****Section 6101. Definitions**

As used in this chapter:

(a) "Hotel" means any person engaged in the business of operating a place where the public may, for a consideration, obtain sleeping accommodations and meals and which has at least six, permanent bedrooms for the use of guests; excluding, however, any charitable, educational or religious institution, summer camp for children, hospital or nursing home.

(b) "Motel" means any person engaged in the business of furnishing, for a consideration, transient guests with sleeping accommodations, bath and toilet facilities, linen service, and a place to park an automobile.

(c) "Tourist home" means any person who operates a place where tourists or transient guests, for a consideration, may obtain sleeping accommodations and which has at least five permanent bedrooms for the use of tourists or transient guests.

(d) "Occupant" means any person other than a permanent resident who for a consideration, uses, possesses, or has a right to use or possess any room or rooms in a hotel, motel or tourist

home under any lease, concession, permit, right of access, license or agreement.

(e) "Occupancy" means the use or possession or the right to the use or possession by any person other than a permanent resident of any room or rooms in a hotel, motel or tourist home for any purpose or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms.

(f) "Operator" means any person operating a hotel, motel or tourist home.

(g) "Permanent resident" means any occupant who has occupied or has the right to occupancy of any room or rooms in a hotel, motel or tourist home for at least five consecutive months.

(h) "Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash credits and property or services of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever.

#### **Section 6102. Levy of tax**

There is imposed and assessed an excise tax at the rate of 6% of the rent upon every occupancy of a room or rooms in a hotel, motel or tourist home within this State.

#### **Section 6103. Collection of tax**

The tax shall be collected by the operator from the occupant at the time of the payment of the rent for the occupancy.

#### **Section 6104. Payment of tax**

The amount of the tax collected for each month shall be reported and paid over to the Department of Finance not later than the fifteenth (15th) day of the month following the month of collection on forms to be prescribed by the Department of Finance. Interest at the rate of one percent (1%) per month or fraction thereof shall be charged on payments made after the prescribed due date.

**Section 6105. Transition rule**

The provisions of Section 6102 notwithstanding where a valid written contract is entered into prior to August 1, 1971, the tax required by this chapter will not be collectable on the rental under such contract.

Section 2. This Act shall take effect on August 15, 1971.

Approved July 30, 1971.

## CHAPTER 289

## FORMERLY HOUSE BILL NO. 505

**AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE, RELATING TO THE MOTOR FUEL TAX.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5110, Chapter 51, Title 30, Delaware Code, is amended by striking therefrom the phrase, "7 cents per gallon" and substituting in lieu thereof the phrase, "8 cents per gallon".

Section 2. Section 5132, Chapter 51, Title 30, Delaware Code, is amended by striking the first sentence thereof and substituting therefor a new sentence to read as follows:

"There is hereby levied and imposed a tax of 8¢ per gallon on the use (within the meaning of the word "use" as defined herein) of special fuel in any motor vehicle."

Section 3. This Act shall take effect August 1, 1971.

Approved July 30, 1971.

CHAPTER 290

FORMERLY HOUSE BILL NO. 506  
AS AMENDED BY HOUSE AMENDMENTS NO. 1 AND 2  
AND SENATE AMENDMENT NO. 1

**AN ACT TO AMEND SECTIONS 2701 AND 2702 OF CHAPTER  
27, TITLE 30, DELAWARE CODE, BY CHANGING THE  
DEFINITION OF "GROSS RECEIPTS" AND THE RATE  
OF MANUFACTURERS' LICENSE TAXES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 2702, subsection (b), Chapter 27, Title 30, Delaware Code, is amended by striking the phrase, "1/10%" as it appears in the first sentence thereof and substituting in lieu thereof the phrase, "2/10%".

Section 2. If any section, subsection, sentence, phrase, or word of this Act is declared unconstitutional under the Constitution of Delaware or of the United States, by any state or federal court of competent jurisdiction, or is otherwise held to be invalid, the remainder of this Act shall be unimpaired and shall continue in full force and effect and criminal prosecution thereunder shall not be affected.

Section 3. This Act shall take effect August 1, 1971.

Approved July 30, 1971.

## CHAPTER 291

FORMERLY HOUSE BILL NO. 507  
AS AMENDED BY  
HOUSE AMENDMENTS NO. 1 AND 2

**AN ACT TO AMEND CHAPTER 53, TITLE 30, DELAWARE  
CODE BY INCREASING THE RATE OF CIGERATTE  
TAXES, BY REVISING PAYMENT PROVISIONS AND BY  
CHANGING THE COMMISSION FOR STAMP AFFIXING  
AGENTS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 5305 (a), Chapter 53, Title 30, Delaware Code, is amended by striking therefrom the phrase, "5½ cents" and substituting in lieu thereof the phase, "7 cents."

Section 2. Title 30, Section 5316 (b), Delaware Code, is amended by striking the "." after the word "purchase" as the same appears on lines 3 and 4 thereof and adding after the word "purchase" the following:

“; however, an authorized affixing agent may enter into an agreement with the Department of Finance providing for deferred payment for tobacco product stamps or for amounts added to tobacco product tax meters during a month to a date not later than thirty days from the date of purchase or addition to a cigarette meter, provided bond to assure payment is furnished in such amount as required by the Secretary of Finance and provided that all amounts due for the month of June shall be paid by June 30.”

Section 3. Title 30, Section 5318 (b), Delaware Code, is hereby amended by striking the words "of 3½% of the total value thereof." where the same appear on lines 4 and 5 of said section and substituting in lieu thereof the following:

“at the rate of three-tenths of one cent for affixing the tax stamp to each package of twenty cigarettes.”

Section 4. The provisions of this Act shall become effective August 1, 1971.

Approved July 30, 1971.

## CHAPTER 292

FORMERLY HOUSE BILL NO. 508  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 13, TITLE 30, DELAWARE  
CODE RELATING TO INHERITANCE TAXES.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1322, Chapter 13, Title 30, Delaware Code, is amended by striking the words, "Class B" and the balance of the section following those words and substituting in lieu thereof the following:

Class B. Where the property or any interest or estate therein passes to or for the use of a parent, grandparent, child by birth, wife or widow of a son or the husband or widower of a daughter, a child by legal adoption, or the lineal descendant of the decedent, the tax on such property, interest or estate shall be at the following rates:

On that part of its value exceeding \$3,000 and not exceeding \$25,000, one per cent.

On that part of its value exceeding \$25,000 and not exceeding \$50,000, two percent.

On that part of its value exceeding \$50,000 and not exceeding \$75,000 three percent.

On that part of its value exceeding \$75,000 and not exceeding \$100,000, four percent.

On that part of its value exceeding \$100,000 and not exceeding \$200,000, five percent.

On that part of its value exceeding \$200,000, six percent.

Class C. Where the property or any interest or estate therein passes to or for the use of (1) a brother, or sister, either of the whole or half blood of the decedent, or a lineal descendant of any

such brother or sister of the whole or half blood of the decedent (2) a brother or sister of decedent's parent or the child or children of any brother or sister of the decedent's parent, the tax shall be at the following rates:

On that part of its value exceeding \$1,000 and not exceeding \$25,000, five percent.

On that part of its value exceeding \$25,000 and not exceeding \$50,000, six percent.

On that part of its value exceeding \$50,000 and not exceeding \$100,000, seven percent.

On that part of its value exceeding \$100,000 and not exceeding \$150,000, eight percent.

On that part of its value exceeding \$150,000 and not exceeding \$200,000, nine percent.

On that part of its value exceeding \$200,000, ten percent.

**Class D.** In case of property or any interest or estate therein passing to or for the use of any person, not described in Class A, Class B or Class C of this section, the tax shall be at the following rates:

On that part of its value not exceeding \$25,000, ten percent.

On that part of its value exceeding \$25,000 but not exceeding \$50,000, twelve percent.

On that part of its value exceeding \$50,000, but not exceeding \$100,000, fourteen percent.

On that part of its value exceeding \$100,000, sixteen percent.

**Section 2.** Section 1321, Chapter 13, Title 30 is amended by adding a new sentence to read as follows:

"The rates imposed by Section 1322 of this Title shall be the rates prescribed and in effect as of the date of decedent's death."

Approved July 30, 1971.

## CHAPTER 293

FORMERLY HOUSE BILL NO. 511  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE  
CODE. RELATING TO THE CORPORATE INCOME TAX.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subsection (a), Section 1902, Title 30, Delaware Code, is amended by adding after the first sentence of said subsection the following:

“Corporations subject to the tax imposed by this subsection shall pay, in addition to the 6% tax computed in accordance with Section 1903, a surcharge equal to 20 percent of the amount of tax due. The surcharge shall be imposed only on that taxable income earned for the period beginning August 1, 1971 and ending June 30, 1973.”

Section 2. Section 1906, Title 30, Delaware Code, is deleted in its entirety.

Section 3. This Act shall take effect August 1, 1971.

Approved July 30, 1971.

## CHAPTER 294

FORMERLY HOUSE BILL NO. 512  
AS AMENDED BY  
HOUSE AMENDMENTS NO. 4 AND 5  
AND SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE, BY INCREASING THE RATE OF TAXATION ON ETHYL ALCOHOL, BY PROVIDING FOR A FLOOR STOCK TAX, AND BY REGULATING THE INCREASE OF PRICES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend subsection (a), paragraph (3) of Section 581, Chapter 5, Title 4, Delaware Code, by striking said paragraph (3) in its entirety, and substituting in lieu thereof a new paragraph (3) to read as follows:

“(3) For each gallon of spirits containing twenty-five percent (25%) or less of ethyl alcohol by volume, \$1.50.”

Section 2. Amend subsection (a), paragraph (4) of Section 581, Chapter 5, Title 4, Delaware Code, by striking said paragraph (4) in its entirety, and substituting in lieu thereof a new paragraph (4) to read as follows:

“(4) For each gallon of spirits containing more than twenty-five percent (25%) ethyl alcohol by volume, \$2.25.”

Section 3. For a period of sixty (60) days from the effective date of this Act, the Alcoholic Beverage Control Commission shall schedule no increase in the price of alcoholic beverages subject to the increase in tax specified in Sections 1 and 2 of this Act in excess of the amount of the tax increase. The Commission in considering any schedule of increase of prices, subsequent to such sixty-day period, shall take into consideration both the public interest and the business needs of importers and retailers of alcoholic beverages before scheduling such increase in prices. The Commission shall prescribe such rules and regulations as it deems necessary to administer the provisions of this section.

Section 4. This Act shall take effect August 15, 1971.

Approved July 30, 1971.

CHAPTER 295

FORMERLY HOUSE BILL NO. 514  
AS AMENDED BY  
HOUSE AMENDMENT NO.1

**AN ACT TO AMEND TITLE 30, DELAWARE CODE BY  
CREATING A NEW CHAPTER 14 RELATING TO GIFT  
TAXES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Title 30, Delaware Code, by creating a  
new Chapter 14 as follows:

**CHAPTER 14. GIFT TAX**

**§ 1401. Imposition of gift tax**

For the last calendar quarter of calendar year 1971 and each  
calendar quarter thereafter a tax as computed in Section 1402 is  
hereby imposed on the transfer of property by gift during such  
calendar year by an individual resident of this State.

**§ 1402. Basis computation of tax**

The tax imposed by Section 1401 for each calendar quarter  
shall be an amount equal to the excess of (1) a tax, computed in  
accordance with the rate schedule set forth in Section 1403, on  
the aggregate sum of taxable gifts for such calendar quarter and  
for each of the preceding calendar years and calendar quarters  
after September 30, 1971 over (2) a tax, computed in accordance  
with such rate schedule, on the aggregate sum of the taxable gifts  
for each of the preceding calendar years and calendar quarters  
after September 30, 1971.

**§ 1403. Rates**

The tax imposed by this chapter shall be computed at the  
following rates:

On the amount of taxable gift exceeding \$0.0 and not  
exceeding \$25,000, one percent.

On the amount of taxable gift exceeding \$25,000, but not exceeding \$50,000, two percent.

On the amount of taxable gift exceeding \$50,000 but not exceeding \$75,000, three percent.

On the amount of taxable gift exceeding \$75,000, but not exceeding \$100,000, four percent.

On the amount of taxable gift exceeding \$100,000, but not exceeding \$200,000, five percent.

On the amount of taxable gift exceeding \$200,000, six percent.

#### § 1404. Definitions

As used in this chapter —

'Taxable gifts' for a calendar quarter shall mean the amount of taxable gifts for federal gift tax purposes increased by the amount of the federal specific exemption (as defined in Section 2521 Internal Revenue Code of 1954 or such similar subsequent tax legislation) claimed in computing taxable gifts for federal gift tax purposes for such calendar quarter.

'Resident' shall have the same meaning as defined in Section 1103 of this Title.

#### § 1405. Payment of Tax

The tax must be paid by the donor on or before the 15th day of the second month following the close of the calendar quarter in which gifts were made. If an extension of time for payment thereof has been granted by the Federal Government for federal gift tax purposes, notice of such extension to the Secretary of Finance shall serve as an automatic extension for purposes of payment of the tax imposed by this chapter. The Secretary of Finance shall prescribe such rules, regulations and forms for the administration of said tax as he deems necessary and as are consistent with the laws of this State.

**§ 1406. Failure to pay tax, interest**

Any person who fails to pay the tax imposed by this chapter shall be liable to pay the tax due, plus interest in the amount of one percent per month or fraction thereof from the date due until date of payment.

Section 2. This Act shall take effect August 1, 1971.

Approved July 30, 1971.

CHAPTER 296  
FORMERLY HOUSE SUBSTITUTE NO.1  
FOR  
HOUSE BILL NO. 518

**AN ACT TO AMEND CHAPTER 30, TITLE 30, DELAWARE  
CODE, RELATING TO THE MOTOR VEHICLE  
DOCUMENT FEE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 3001, Chapter 30, Title 30, Delaware Code, is amended by striking the paragraph beginning with the words, "purchase price" and substituting in lieu thereof the following:

"purchase price" means the value or any other consideration given by the owner to the seller for a motor vehicle; where trade-ins or allowances are given in conjunction with the purchase of any motor vehicle the purchase price shall be the gross purchase price less any trade-in or allowance given by the seller of the motor vehicle to the owner of the motor vehicle; except that where a motor vehicle having been bought and registered outside the State and not subject to the limitation of Section 3002 (a) (4) of this Title, is first registered and titled in this State, "purchase price" shall mean the fair market value as of the date of such titling and registration.

Section 2. Paragraph (4), subsection (a) of Section 3002, Chapter 30, Title 30, Delaware Code, is amended by striking such section in its entirety and substituting in lieu thereof the following:

"(4) Motor vehicles, truck tractors, trailers or motorcycles which are bought by the owner and registered outside the State and then are subsequently registered or titled within the State pursuant to Section 2102 of Title 21; provided, such owner had paid to such other state a sales tax, transfer tax or some similar levy on the purchase of such motor vehicles, truck tractors, trailers or motorcycles within 90 days prior to registration or titling in this State."

Section 3. Section 3002, subsection (c), Title 30, Delaware Code, is amended to read as follows:

“(c) The document fee imposed herein shall be computed as follows:

(1) Where the purchase price is less than \$400, there shall be a uniform minimum rate of \$8.

(2) Where the purchase price is \$400 or more, up to and including \$500, the document fee shall be \$10.

(3) The document fee payable thereafter shall increase in increments of \$2 per each additional \$100 of purchase price or any fraction thereof.”

Section 4. This Act shall take effect August 1, 1971.

Approved July 30, 1971.

## CHAPTER 297

FORMERLY HOUSE BILL NO. 503  
AS AMENDED BY

SENATE AMENDMENT NO. 1 and HOUSE AMENDMENT NO. 2

**AN ACT TO AMEND CHAPTER 54, TITLE 30, DELAWARE  
CODE BY INCREASING THE RATE OF THE REALTY  
TRANSFER TAX AND BY APPORTIONING SAID TAX  
BETWEEN GRANTOR AND GRANTEE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5402 (a), Chapter 54, Title 30, Delaware Code, is amended by striking the phrase, "1 percent" as it appears therein and substituting in lieu thereof the phrase, "2 percent."

Section 2. Section 5402, subsection (a), Chapter 54, Title 30, Delaware Code, is further amended by adding a second sentence to read as follows:

"Said tax is to be apportioned equally between grantor and grantee."

Section 3. Section 5402, Chapter 54, Title 30, Delaware Code, is amended by creating a new subsection (c) to read as follows:

"(c) The provisions of subsection (a) of this section notwithstanding, where a valid written contract is entered into prior to August 1, 1971, the tax for such a transfer shall be at the rate imposed prior to August 1, 1971."

Section 4. This Act shall take effect August 1, 1971.

Approved July 31, 1971

## CHAPTER 298

FORMERLY HOUSE BILL NO. 515  
AS AMENDED BY  
HOUSE AMENDMENTS NO. 1 and 2AN ACT AMENDING CHAPTERS 3 AND 4, TITLE 28,  
DELAWARE CODE. RELATING TO TAXES ON  
PARI-MUTUEL AND TOTALIZATOR POOLS.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 365, Chapter 3, Title 28, Delaware Code, is amended by striking the sentence beginning with the words "The percentage of such . . ." and substituting in lieu thereof the following sentence:

"The percentage of such pari-mutuel and totalizator pools to be paid as a part of such tax shall be 5 1/2% for racing meets conducted on and after August 1 during the year 1971 and 5% for racing meets conducted in any subsequent year."

Section 2. Section 366, Chapter 3, Title 28, Delaware Code, is amended by striking the sentence beginning with the words "The percentage of such . . ." and substituting in lieu thereof the following sentence:

"The percentage of such pari-mutuel and totalizator pools which shall be authorized as commissions shall be 11 1/2% for racing meets conducted on and after August 1 during the year 1971 and 12% for racing meets in any subsequent year.

Section 3. Section 445, Chapter 4, Title 28, Delaware Code, is amended by striking the words "4 1/2%" and substituting in lieu thereof the words "5%."

Section 4. This Act shall become effective August 1, 1971.

Approved July 31, 1971.

## CHAPTER 299

## FORMERLY HOUSE BILL NO. 516

**AN ACT AMENDING CHAPTER 5, TITLE 28, DELAWARE CODE, RELATING TO THE TAX ON PARI-MUTUEL AND TOTALIZATOR POOLS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 555, subsection (a), Chapter 5, Title 28, Delaware Code, is amended by striking the words "5%" and substituting in lieu thereof the words "5 1/2%."

Section 2. Section 555, subsection (a), Chapter 5, Title 28, Delaware Code, is further amended by inserting between the words "made" and "on" the phrase "on or after August 1, 1971."

Section 3. This Act shall become effective August 1, 1971.

Approved July 31, 1971.

## CHAPTER 300

FORMERLY HOUSE BILL NO. 532  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE  
CODE, RELATING TO PERSONAL INCOME TAX

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1102, Chapter 11, Title 30, Delaware Code, is amended to read after the words, "but not in excess of \$8,000:" as follows:

"8% of the amount of taxable income in excess of \$8,000 but not in excess of \$20,000; 8½% of the amount in excess of \$20,000 but not in excess of \$25,000; 9% of the amount in excess of \$25,000 but not in excess of \$30,000; 11% of the amount in excess of \$30,000 but not in excess of \$40,000; 12% of the amount in excess of \$40,000 but not in excess of \$50,000; 14% of the amount in excess of \$50,000 but not in excess of \$75,000; 15% of the amount in excess of \$75,000 but not in excess of \$100,000; 18% of the amount in excess of \$100,000."

Section 2. Section 1102, Chapter 11, Title 30, Delaware Code, is renumbered as subsection (a), Section 1102 and a new subsection (b) is created to read as follows:

"(b) Where the rates of tax prescribed in subsection (a) of this section are changed during a taxable year, the Secretary of Finance shall prescribe such rules and regulations as are necessary to compute the increase in rates of tax on the proportion of income earned subsequent to the effective date of change in rate."

Section 3. The rate increase imposed by Section 1 of this Act shall be applied against income earned from August 1, 1971 until December 31, 1971.

Section 4. Section 1102, Chapter 11, Title 30, Delaware Code, is amended to read after the words, "but not in excess of \$8,000;" as follows:

“; 8% of the amount of taxable income in excess of \$8,000 but not in excess of \$20,000; 8 1/2% of the amount in excess of \$20,000 but not in excess of \$25,000; 9% of the amount in excess of \$25,000 but not in excess of \$30,000; 11% of the amount in excess of \$30,000 but not in excess of \$40,000; 12% of the amount in excess of \$40,000 but not in excess of \$50,000; 14% of the amount in excess of \$50,00 but not in excess of \$75,000; 15% of the amount in excess of \$75,000, but not in excess of \$100,000; 18% of the amount in excess of \$100,000.

Section 5. The rate increase imposed by Section 4 of this Act shall be applied against income earned on and after January 1, 1972.

Section 6. If any section, subsection, sentence, phrase, or word of this Act is declared unconstitutional under the Constitution of Delaware or of the United States, by any state or federal court of competent jurisdiction, or is otherwise held to be invalid, the remainder of this Act shall be unimpaired and shall continue in full force and effect and criminal prosecution thereunder shall not be affected.

Section 7. This Act shall take effect on August 1, 1971.

Approved July 31, 1971.

## CHAPTER 301

FORMERLY HOUSE BILL NO. 544  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1AN ACT TO AMEND TITLE 30, DELAWARE CODE, BY  
CREATING A NEW CHAPTER RELATING TO TAXES ON  
CERTAIN PUBLIC UTILITIES.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 30, Delaware Code, is amended by creating within Part IV a new Chapter 55 to read as follows:

## CHAPTER 55. PUBLIC UTILITIES TAXES

## § 5501. Definitions

As used in this chapter –

(1) “Public Utility” – includes the following commodities and services: (1) electricity distributed for any heat, light or power use; (2) gas (except liquified gas) piped from a distribution center to the consumer or user; (3) intrastate telephone and telegraph communication services; and (4) cable television communication services. All such commodities and services are included whether distributed directly by the distributor to the consumer within this state or distributed through an intermediary to the consumer or user within this state.

(2) “Distribute” – includes any and all activity to produce, distribute or supply any commodities and services as defined in this section within this state.

(3) “Distributor” – includes any company, corporation, partnership, firm, association cooperative or any person or group of persons which first produces, distributes or supplies the commodities or services subject to the taxes imposed by this Chapter for sale to consumers or users within this state.

(4) “Gross Receipts” includes total consideration received

by a distributor for commodities or services sold, distributed, produced or supplied within the state of Delaware; except that the term shall not include sales of electricity for resale where there is an existing contract for such sale or such sales are subject to the jurisdiction of the Federal Power Commission, but in any case such sales shall be included as gross receipts after January 1, 1974, or on expiration of said existing contract, whichever first occurs.

**§ 5502. Tax; rate**

(a) A tax is imposed upon all intrastate telephone commodities and services distributed within this state by the distributor at the rate of 5% of the sale price or tariff charge paid for such commodities or services.

(b) A tax is imposed upon any distributor of gas, electricity, telegraph, or cable television communication commodities and services which tax shall be at the rate of 5% of the gross receipts or tariff charges received by the distributor for such commodities or services distributed within this state.

(c) When the tax imposed by subsection (b) of this section applies to a distributor subject to the regulation of the Public Service Commission, the Commission is directed, after consultation with such distributor and without a public hearing, to adjust the tariff of such distributor so that the tax is passed through pro rata to the distributor's customers and the distributor's earnings are neither increased nor decreased by such tax. The tariff adjustments filed by such distributor and approved by the Public Service Commission shall incorporate the tax in the charges for commodities and services so that the tax shall not appear on the customer's bill as a separate item. The Public Service Commission is further directed to allow such adjusted tariffs and the rates therein to become effective immediately upon filing without any requirement of 30 days' notice and without suspension thereof. The Public Service Commission may enter any orders which shall be necessary to permit the tax to be passed through to such distributor's customer while revised tariffs and billing procedures are being prepared.

**§ 5503. Computation of tax**

(a) The tax imposed by Section 5502 (a) shall be collected

by the distributor from the ultimate consumer as a separate item not included in the sales price or tariff charge. The amount of tax thus collectible from the ultimate consumer shall in each case be calculated on the basis of a uniform percentage of the sale price or tariff charge payable by the ultimate consumer for the commodity or service which is subject to tax under this section, and shall in each case be computed to the nearest highest cent; provided, however, that such tax shall not apply to receipts derived through the use of automatic coin collecting machines or coin boxes. A distributor's gross receipts shall not be deemed to include any portion of the tax collected from its consumer.

(b) The tax imposed by Section 5502 (b) of this Chapter shall be imposed upon the distributor and is not be construed as a tax upon the consumer or user.

#### **§ 5504. Payment of tax**

The taxes collected under this section during any calendar month shall be paid by the distributor to the Department of Finance within fifteen days after the end of said calendar month.

A distributor may, with the approval of the Department of Finance, compute its remittances either upon its billings or upon its cash receipts, provided that if the distributor is permitted to remit on the basis of its billings, the distributor shall be entitled to a credit against subsequent remittances for any taxes billed but not collected. The Secretary of Finance shall prescribe such rules, regulations and forms for the administration of the tax imposed by this chapter as he deems necessary and as are consistent with the laws of Delaware.

#### **§ 5505. Failure to pay tax; interest**

Any person who fails to pay the tax imposed by this Chapter, for any reason, shall be liable to pay an amount equal to the tax due, plus interest in the amount of one percent per month or fraction thereof from date due until date of payment.

#### **§ 5506. Exemptions**

(a) No persons who is liable for the tax imposed by Section 5502 (b) of this Chapter shall be required to be licensed as a wholesaler under Section 2901 (6) (D) Chapter 29, Title 30.

(b) All intrastate telephone commodities and services shall be subject to the tax imposed by Section 5502 (a) of this title and the consumer or user thereof shall not be subject to the tax prescribed by Chapter 43 of this Title.

(c) Sales of appliances or other equipment or machinery by a distributor shall be exempt from the tax imposed by Section 5502 (b) this Chapter provided such sales are subject to and included in the license fees required by Chapter 29, Title 30.

Section 2. This Act shall take effect and be imposed on the sale, distribution, production or supply of commodities and services on or after August 1, 1971.

Approved July 31, 1971.

CHAPTER 302

FORMERLY HOUSE BILL NO. 520  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND Chapter 17, TITLE 14, DELAWARE  
CODE, BY CHANGING THE NUMBER OF PUPILS COM-  
POSING A UNIT.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 1703, Title 14, Delaware Code, is amended by striking the last two sentences of the first paragraph of said section which read as follows:

Only for purpose of computing Division I H (teachers) cost as set forth in Section 1708 herein, the term "unit" shall include twenty-two (22) pupils or major fraction thereof in grades 7-12 and twenty-seven (27) pupils or major fraction thereof in grades 1-6. All other Division I costs are to be computed as provided in the first sentence of this paragraph.

Section 2. This Act shall take effect upon signature of the Governor.

Approved August 1, 1971.

## CHAPTER 303

## FORMERLY HOUSE BILL NO. 524

**AN ACT TO AMEND CHAPTER 191, VOLUME 58, LAWS OF  
DELAWARE, RELATING TO MERIT INCREASES RE-  
CEIVED BY STATE EMPLOYEES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Chapter 191, Volume 58, Laws of  
Delaware, by striking said Chapter in its entirety.

Approved August 1, 1971.

CHAPTER 304

FORMERLY HOUSE BILL NO. 526

**AN ACT TO AMEND CHAPTER 333, VOLUME 57, LAWS OF DELAWARE BY CHANGING THE PRESENT EFFECTIVE DATE OF A FIVE PERCENT PAY RAISE FOR SCHOOL EMPLOYEES AND RELATING TO THE VARIABILITY OF STATE PUBLIC SCHOOL EMPLOYMENT CONTRACTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 333, Volume 57, Laws of Delaware, by striking Section 19 thereof in its entirety, and substituting a new Section 19, which shall read as follows:

Section 19. Effective July 1, 1971, the State Board of Education shall revise the salary schedules in § 1305 (a), § 1306 (a), § 1307 (a), § 1307 (c), § 1308 (a), § 1309 (b), § 1310 (a), § 1311 (a), § 1311 (b), § 1321 (a), § 1321 (c), § 1322 (a), § 1322 (b), and § 1324 (b) of this Act to reflect a five percent (5%) salary increase rounded to the nearest dollar.

Section 2. Amend Chapter 192, Volume 58, Laws of Delaware, by striking Section 2 thereof in its entirety.

Approved August 1, 1971.

## CHAPTER 305

FORMERLY HOUSE BILL NO. 534  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1**AN ACT RELATING TO THE NUMBER OF ADMINISTRATIVE  
AND OTHER POSITIONS AUTHORIZED FOR PUBLIC  
SCHOOLS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend subsection (e), Section 1321, Title 14, Delaware Code, as follows:

A. Amend subparagraph 1 by striking the number "300" as it appears therein and substitute in lieu thereof the number "250".

B. In subparagraph 2 strike the number "200" as it appears therein and substitute in lieu thereof "150".

C. In subparagraph 4 strike the number "150" and substitute in lieu thereof the number "100".

D. In subparagraph 5 strike the number "200" and substitute in lieu thereof "150".

Section 2. Amend subsection (e), Section 1308, Title 14, Delaware Code, by striking the word "fifteen" as it appears in the next to last sentence thereof, and substituting therefor the word "ten."

Section 3. Amend subsection (c), Section 1310, Title 14, Delaware Code, by striking the number "50" as it appears in the fourth line thereof, and substituting therefor the number "40."

Section 4. Effective July 1, 1972, amend subsection (e), Section 1321, Title 14, Delaware Code, as follows:

A. Amend subparagraph 1 by striking the number "250" as it appears therein and substitute in lieu thereof the number "300".

B. In subparagraph 4 2 strike the number "150" as it appears therein and substitute in lieu thereof the number "200".

C. In subparagraph 5 strike the number "100" and substitute in lieu thereof the number "150".

D. In subparagraph 5 strike the number "150" and substitute in lieu thereof the number "200".

Section 5. Amend Section 1321, Title 14, Delaware Code, by adding a new subsection (j) as follows:

(j) Allocations of personnel specified in Section 1321, Title 14, Delaware Code, shall apply, the provisions of Section 1008 of this title notwithstanding.

Section 6. Amend Section 1308, Title 14, Delaware Code, by striking subsection (e) thereof in its entirety and inserting a new subsection (e) to read as follows:

"(e) During the fiscal year beginning July 1, 1972, a reorganized school district may employ personnel to be paid pursuant to this section in a number equal to one for each full 10 state units of pupils for the first 100 such full state units of pupils and one additional for each additional full 12 state units of pupils."

Section 7. Amend Section 1308 (d) by adding a period, ".", after the word "possible" and striking the remainder of the sentence.

Section 8. Effective July 1, 1972 amend subsection (c), Section 1310, Title 14, Delaware Code, by striking the number "40" as it appears in the fourth line thereof, and substituting the number "50".

Section 9. Amend Section 1310, Title 14, Delaware Code, by adding a new subsection (d) as follows:

"(d) Allocations of personnel specified in Section 1310 (c) shall apply, the provisions of Section 1008 of this title notwithstanding."

Section 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

Section 11. Sections 1, 2, 3 and 10 of this Act are effective upon signature by the Governor. Sections 4, 5, 6, 7, 8 and 9 are effective July 1, 1972.

Approved August 1, 1971.

## CHAPTER 306

FORMERLY SENATE BILL

NO. 477

AS AMENDED BY

SA 21, 22, 26, 27, 29, 30, 32,  
33, 34, 35, 36, 41, 42, 46

AND

HA 1, 2, 5, 10, 11, 14, 18, 19,  
21, 22, 25, 31, 32

**AN ACT TO FURTHER AMELIORATE THE FINANCIAL INTEGRITY OF THE STATE OF DELAWARE BY ELIMINATING, RESTRICTING, REDUCING IN WHOLE OR IN PART, OR POSTPONING CERTAIN PROGRAMS, PROJECTS AND VARIOUS EXPENDITURES PREVIOUSLY AUTHORIZED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE; TO DECREE CERTAIN BUDGETARY RESTRICTIONS AND PROCEDURES AND TO REPEAL, AMEND OR TEMPORARILY SUSPEND CERTAIN OTHER PERTINENT STATUTORY PROVISIONS.**

WHEREAS, it is incumbent upon the General Assembly to insure fiscal responsibility within the government of the State of Delaware by restraining its spending propensities and by minimizing the ever increasing tax burdens imposed upon the citizenry; and

WHEREAS, the emergency legislation enacted by the 126th General Assembly on June 30, 1971, namely House Bills numbered 497, 498, 499, 500, 501, and House Joint Resolution No. 20 embodied certain initial temporary steps toward a solution of the State's fiscal dilemma; and

WHEREAS, House Bill No. 497 directed that the authorized appropriations to the State Departments and Agencies for the fiscal year ending June 30, 1972 embodied in House Bill No. 200, as amended, shall be reduced by 5%, it did not direct similar restraint with respect to new programs and supplemental appropriations authorized by the General Assembly in separate legislation; and

WHEREAS, further reductions in expenditures, including those of the Legislative Branch, seem appropriate;

NOW THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Executive, Judicial and Legislative Branches of the Government of the State of Delaware, including all of its Departments, Divisions, and Agencies are hereby directed to eliminate, restrict, reduce or postpone programs, projects and various expenditures previously authorized by the General Assembly as hereinafter prescribed.

Section 2. The following appropriations enumerated in House Bill No. 200 as amended, if not eliminated in whole or in part by the Governor or the Departments and Agencies listed in House Bill No. 497, are hereby rescinded as hereinafter prescribed:

House Bill No. 200, as Amended

References

Page No.	Line No.		Hereby From	To	Hereby Eliminated
		(01-01-000) General Assembly – House			
2	5	Salaries – Attaches	68,900	60,000	
		(01-02-000) General Assembly Senate			
2	11	Salaries – Attaches	70,000	50,000	
	14	Salary of MT/ST Operator	5,500	5,200	
		(01-03-000) Commission on Modernization of State Laws			
2	18	Travel			610
	19	Contractual Services			1,000
		(01-03-000) Commission on Interstate Cooperation			
2	23	Travel – Legislative			18,000
	24	Travel – Other			2,000
		Contractual Services			
	29	Southern Nuclear Board			8,554
	30	Other			4,700

Page Line			Hereby reduced		Hereby
No.	No.		From	To	Eliminated
		(01-08-000) Legislative Council			
		(01-08-001) Office of Director			
35		Salary of Director	20,500	19,950	
36		Salary of Asst. Director	15,000	14,640	
37		Salaries - Part Time	7,260	7,000	
38		Salaries and Wages of Employees	60,760	60,760	
42		Travel			8,000
45		Capital Outlay	6,900	4,500	
		(01-08-002) Office of Controller General			
3	3	Salary of Controller General	18,375	17,500	
4		Salaries and Wages of Employees (1)	17,910	5,480	
5		Travel	600	200	
7		Supplies and Materials	3,000	1,500	
8		Capital Outlay			200
		(02-01-000) Supreme Court			
3	19	Contractual Services	8,250	7,500	
	20	Supplies and Materials	2,750	2,300	
		(02-02-000) Court of Chancery			
3	27	Personal Services	1,000	600	
	29	Contractual Services	3,050	2,400	
		(02-03-000) Superior Court			
3	37	Salaries and Wages of Employees (60)	488,000	459,000	
	43	Supplies and Materials	12,500	11,500	
		(02-04-000) Common Pleas Court - Kent County			
4	9	Other Contractual Services	5,000	4,600	
		(02-05-000) Common Pleas Court - Sussex County			
4	17	Personal Services - Public Defender	750	500	
		(02-06-000) Common Pleas Court - New Castle County			
4	30	Other Personal Services	1,000	500	
	33	Supplies and Materials	3,000	2,500	
		(02-07-000) Family Court - Kent and Sussex Counties			
4	40	Personal Services - Masters	14,000	12,000	
	41	Travel	18,000	15,000	

Page No.	Line No.		Hereby reduced From	To	Hereby Eliminated
		(02-11-000) New Castle County Law Library			
5	30	Capital Outlay	14,000	12,750	
		(02-12-000) Council on Administration of Justice			
5	33	Travel			200
	34	Contractual Services			300
6	15-19	(02-14-000) Court on the Judiciary			5,000
		(10-01-000) Office of the Governor			
6	29	Contractual Services	19,500	17,500	
		(10-02-001) Budget Office			
6	41	Contractual Services	11,000	10,400	
	42	Supplies and Materials	3,000	2,000	
		(10-02-006) Budget Commission			
7	3	Contingency - Emergency Fund	300,000	200,000	
	4	Contingency - Boiler and Roof Repairs	50,000	5,000	
	5	Rents - Court Spaces	353,000	253,000	
		(10-03-000) State Planning Office			
7	12	Travel	1,000	750	
	13	Contractual Services	21,000	20,000	
		(12-02-000) Auditor of Accounts			
8	6	Travel	3,000	1,500	
	7	Contractual Services	5,000	3,500	
	8	Supplies and Materials	9,000	6,000	
	9	Capital Outlay	8,000	7,000	
		(12-03-000) Insurance Commissioner			
8	15	Personal Services	2,150	1,000	
	16	Travel	3,855	3,000	
	22	Self-Insurance Fund*			225,000*
		(20-06-000) Division of Archives and Cultural Affairs			
		(20-06-001) Office of Director			
10	30	Salaries and Wages of Employees (16)	107,307	102,457	
	38	Film	4,000	3,500	

(\*The elimination of this term is dependent upon and shall become effective only upon the passage of Senate Bill No. 50 involving the transfer of \$1,000,000 from the Capital Investment Fund to the Self Insurance Fund).

Page Line No. No.		Hereby reduced From	To	Hereby Eliminated
	(20-06-002) National Historic Register Program			
11 6	Personal Services			250
7	Travel	450	350	
8	Contractual Services	700	500	
9	Supplies and Materials	600	,400	
	(20-06-004) John Dickinson Mansion			
11 22	Salaries and Wages of Employees (2)	19,452	15,400	
	(20-06-010) New Castle Historic Building			
12 5	Contractual Services	3,100	3,000	
7	Capital Outlay	500	250	
	(20-06-012) Archaeological Board			
12 18	Travel	600	300	
	(20-06-016) Delaware State Arts Council			
12 44	Contingency - Programs	25,885	10,885	
	(25-05-000) Division of Accounting			
13 16	Supplies and Materials	4,500	3,750	
	(25-07-012) Bond Issuing Officers			
14 17	Expense of Issuing Bonds	35,000	25,000	
	(25-08-000) Veterans Service Division			
14 32	Contractual Services	6,000	5,500	
	(30-00-000) Department of Administrative Services			
14 45	Contingency - Federal Grants Cordination Program			20,000
	(30-08-011) Public Service Commission			
17 23	Salary of Executive Secretary			10,500
27	Supplies and Materials	2,480	1,200	
	(35-05-003) Emily P. Bissell Hospital			
20 8	Travel	1,700	800	
14	Supplies and Materials - Food	71,000	56,000	
	(35-05-000) Delaware Home and Hospital			
20 24	Travel	2,000	1,400	

Page Line No. No.		Hereby reduced From To	Hereby Eliminated
	(35-06-002) Delaware State Hospital		
22 13	Salaries & Wages of Employees	5,190,081	5,140,081*
	(35-06-003) Mental Hygiene Clinics		
22 30	Personal Services	500	200
32	Contractual Services	42,000	36,000
	(35-06-005) Hospital for the Mentally Retarded		
23 7	Other Personal Services	25,000	22,000
11	Other Contractual Services	140,000	132,000
23 36-43	(35-06-008) Alcoholic Services *See Section 4 of this Act.	233,000	233,000*
	(35-07-002) Public Welfare		
24 15	Travel	5,315	4,700
17	Contractual Services - Blue Cross Contract *See Section 3(f) of this Act	140,000	120,000*
	(35-07-003) Blind		
24 42	Other Contractual Services	13,000	12,000
47	Contingency - Stand Construction	5,000	2,000
	(35-08-002) Adult Corrections		
25 14	Salaries - Shift Differential	148,000	135,000
	(35-08-003) Juvenile Correction		
25 37	Contingency - Boys Group Home	47,500	37,500
	(35-10-000) Division of Youth Affairs		
26 3	Salaries and Wages of Employees (1.5)	26,304	13,000
4	Travel	2,000	1,000
5	Contractual Services	2,000	1,000
	(40-00-000) Department of Natural Resources and Environmental Control		
	(40-05-002) Wildlife		
27 14	Personal Services		100
	(40-05-003) Fisheries		
27 28	Boat Repairs	4,000	1,500
32	Fisheries - New Boats		15,000
35-38	Atlantic State Marine Fisheries	1,650	- 0 -
44	Wetlands Mapping		65,000

Page Line No. No.		Hereby reduced		Hereby Eliminated
		From	To	
	(40-05-005) Technical Service			
27 41	Personal Services			100
	(40-06-002) Parks and Recreation			
28 12	Personal Services			100
13	Travel	3,100	2,500	
18	Recreation Assistance Fund	400,000	300,000	
	(40-06-003) Forestry and Fire Protection			
23	Personal Services – Fire Wardens	1,300	300	
	(40-07-000) Division of Soil and Water Conservation			
29 5	Travel	1,000	750	
8	Other Contractual Services	7,000	6,000	
	(40-08-000) Division of Environmental Control (40-08-001) Office of the Director			
29 24	Travel	2,625	1,800	
	(40-08-005) Mosquito Control			
30 2	Salaries – Part Time	14,000	13,000	
3	Salaries – Overtime	2,000	1,000	
9	Other Contractual Services	20,000	15,000	
	(45-00-000) Department of Public Safety			
	(45-01-000) Office of the Secretary			
30 23	Contractual Services	3,000	1,500	
24	Supplies and Materials	1,310	800	
	(45-05-000) Office of Administration			
30 32	Contractual Services	2,400	1,000	
33	Supplies and Materials	2,050	1,500	
	(45-07-000) Division of Motor Vehicles			
31 25	Other Supplies and Materials	57,475	50,000	
	(45-08-000) Division of Civil Defense			
31 33	Travel	800	400	
35	Supplies and Materials	3,300	2,800	
	(45-11-000) Delaware Agency to Reduce Crime			
32 10	Aid to Local Law Enforcement Agencies	550,000	400,000	

Page No.	Line No.		Hereby reduced		Hereby Eliminated
			From	To	
		<b>(50-05-000) Office of Economic Opportunity</b>			
32	47	Opportunities Industrialization Center	200,000	175,000	
		<b>(50-06-000) Office of Human Relations</b>			
33	2	Salary of Director	16,500	15,750	
	3	Salaries & Wages of Employees (9)	75,100	70,850	
	5	Travel	7,000	6,000	
	6	Contractual Services	10,750	9,750	
		<b>(50-08-000) State Development</b>			
33	14	Salaries - Overtime	820	300	
		<b>(50-09-000) Division of Housing</b>			
33	32	Travel	2,000	1,200	
		<b>(55-05-000) Division of Highways</b>			
35	13-14	Contingency Fund - Overtime Contractual Snow Removal Ice Control	300,000	200,000	
		<b>(55-06-000) Division of Transportation</b>			
35	23	Other Personal Services	10,000	2,000	
		<b>(60-07-003) Apprenticeship and Training</b>			
36	18	Travel	400	200	
		<b>(60-07-004) Industrial Accident Board</b>			
36	28	Contractual Services	9,165	8,265	
	29	Supplies and Materials	2,200	1,000	
	30	Capital Outlay	300	200	
		<b>(70-03-000) Kent County Department of Elections</b>			
40	24	Salary of Extra Help	4,500	2,000	
	29	Other Personal Services			700
	34	Other Contractual Services	12,700	3,000	
		<b>(70-04-000) Sussex County Department of Elections</b>			
41	13	Moving Voting Machines			1,000
	15	Other Contractual Services	8,180	3,400	

Page No.	Line No.		Hereby reduced		Hereby Eliminated
			From	To	
		(75-01-000) State Fire Marshal's Office			
41	25	Travel	1,800	1,300	
		(76-00-000) Delaware National Guard			
42	4	Travel	6,500	4,500	
	8	Other Supplies and Materials	23,400	20,000	
		(95-01-002) Services to School Districts and Others			
45	6	Substitutes in Districts	790,000	395,000	

Section 3. The following programs and projects and related appropriations previously authorized by separate legislation as hereinafter identified, are hereby eliminated, restricted, reduced or postponed as more specifically hereinafter prescribed:

(a) The new program establishing the Family Court for the State of Delaware, created by Senate Bills No.s 100, 101, and 102, as amended, and approved by the Governor on June 9, 1971 are hereby reaffirmed, except as to the appropriation of \$400,000 in Section 5 of Senate Bill No. 100, which appropriation is hereby reduced to \$285,000 thus postponing the full implementation of the new program until after June 30, 1972, to be then funded through the normal budgetary procedure.

(b) The new expanded Anti-Drug-Abuse program enacted by the General Assembly in House Bills Nos. 305 and 333, as amended, and approved by the Governor on July 9, 1971, are hereby reaffirmed except as to the appropriation of \$476,808 in Section 1 of House Bill No. 305, which appropriation is hereby reduced to \$330,000 thus postponing the full implementation of the new program until after June 30, 1972, to be then funded through the normal budgetary procedure.

(c) Senate Bill No. 340, as amended, and approved by the Governor on July 1, 1971, creating the Delaware American Revolution Bicentennial Commission, is hereby reaffirmed, except as to the appropriation of \$33,500 in Section 2 thereof, which appropriation is hereby reduced to \$2,000 thus postponing the implementation of this new program until after June 30, 1972, to be then funded through the normal budgetary procedure.

(f) The reduction of \$20,000 in Contractual Services – Blue Cross Contract prescribed by Section 2 of this Act is hereby decreed in contemplation of the implementation of the “Family Multiple Form Medicaid Drug Claim” procedure under the “Prescription Drug Claim Program” which the Department of Health and Social Services is hereby directed to implement immediately.

(h) The new Administrative Office of the Courts created by House Bill No. 139, approved by the Governor on May 14, 1971, is hereby reaffirmed, except as to the appropriation of \$50,000 in Section 2 thereof, which appropriation is hereby reduced to \$35,000.

(i) Any new personnel employed to implement the new experimental programs established and funded by House Bill No. 199, as amended, and House Bill No. 237, approved by the Governor on June 16, 1971, dealing with Vocational Rehabilitation of Public Assistance Recipients, and House Bills No. 305 and 333, as amended, and approved by the Governor on July 9, 1971, dealing with Anti-Drug-Abuse, or any new personnel employed to replace existing personnel transferred to these new programs, shall not be covered by the provision of Chapters 14 and 40, Title 14 of the Delaware Code nor be covered by the provisions of Chapter 13 of Title 19 of the Delaware Code, until such time as the General Assembly shall approve the permanent establishment and funding of such new programs. If such personnel shall then be subsequently employed on a permanent basis, they shall be entitled to credit for past service in these new programs in accordance with the aforesaid Delaware Code chapters.

Section 5. The following changes in the Delaware Code, are hereby enacted as hereinafter prescribed:

(a) Section 1328, Title 14, Delaware Code, relating to teachers’ duty-free periods, is hereby repealed.

(b) Effective September 1, 1971, the fees of jurors prescribed by Section 8901, Title 10, Delaware Code, shall be reduced from \$20 per day to \$15 per day, with the mileage allowance remaining at 10 cents per mile as at present.

(e) The second and third paragraphs of Section 503 (a), Title 31, Delaware Code, added by House Bill No. 405, approved by the Governor on July 10, 1969, relating to welfare payments, are hereby repealed in their entirety.

(f) Section 1318, Title 14, Delaware Code, is hereby amended by striking paragraph (f) of Section 1318 and inserting in lieu thereof the following:

(f) An employee may be absent without loss of pay no more than one day per fiscal year for any one of the following reasons:

(1) To attend the graduation exercises of a member of the immediate family defined as father, mother, brother, sister, son, daughter, husband, wife, parent-in-law, or any relative who resides in the same household.

(2) To attend all courts pursuant to a subpoena where the employee is not a party to the proceeding.

(3) To be given a physical examination for selective service purposes.

(4) Marriage of the employee.

(5) To attend the settlement of the estate of a member of the immediate family.

(6) To attend the settlement for sale or purchase of a home.

(7) An automobile accident when the employee is involved.

(8) The moving of the employee's homestead.

(9) The death of a close friend of the employee.

Such absences must be approved by the Chief School Officer and shall be included in the sick leave of the employee.

Section 1318, Title 14, Delaware Code, is hereby further amended by adding thereto a new paragraph (h) to read as follows:

(h) Any absence not covered in paragraphs (a), (b), (c), (d), (e), (f), or (g) of this section shall be considered unexcused.

(i) Amend Title 6, Delaware Code, by deleting Chapter 72 in its entirety.

Section 6. It is hereby decreed that on and after the effective date of this Act no individual employment contracts shall be executed with any employee of the State of Delaware, its Departments or Agencies, local school districts or institutions of higher education subsidized by the State of Delaware with the following exceptions:

Employment contracts on an annual basis only may be executed with professional educators only who are employed by the State Board of Education, local school districts and institutions of higher education subsidized by the State of Delaware, provided that such contracts shall include a provision that the amount of compensation shall be subject to such change as may be necessitated by the funds made available for such purpose and further provided that such contracts shall not become effective and binding until such funds shall have been definitively appropriated.

(e) Beginning with the fiscal year ending June 30, 1972, the several amounts are hereby appropriated as follows:

DEPARTMENT

(95-04-000) Delaware State Advisory

Council on Vocational Education

Salaries and Wages of Employees (1)	\$ 8,400
Contractual Services	950
Supplies and Materials	350
Capital Outlay	300

TOTAL - Delaware State Advisory Council on Vocational Education \$10,000.

Section 8. The total funds appropriated to local School Districts as enumerated and listed on Pages 46 through 61 of House Bill No. 200, as amended, amounting to \$76,897,628 are hereby reduced by 2%, or \$1,537,952 to \$75,359,676 and the State Board of Education is hereby charged with the responsibility for implementing this reduction with the cooperation of the local School Districts.

Section 9. Under House Bill No. 497, approved by the Governor on July 1, 1971, certain reductions of line item budgetary amounts were made in (40-08-000) Division of Environmental Control. This Division has the responsibility for monitoring, controlling, and developing a solid waste control program, as prescribed by the Laws of Delaware, Volume 58, Chapter 52.

Therefore, certain budgetary amounts are restored for the following line items for the fiscal year ending June 30, 1972:

DEPARTMENT

(40-08-000) Division of Environmental Control

Salaries and Wages of Employees (2)	\$18,950
Travel	350
Supplies and Materials	2,900
Capital Outlay	2,800

TOTAL - Division of Environmental Control \$25,000

Section 10. The directors, department heads or other proper persons of every agency, department and/or division of this State shall, on or before January 1, 1972, submit a report to the members of the General Assembly setting forth each and every federal grant such agency, department and/or division receives, including but not limited to, the terms of such federal grants, the ratio of federal-state funding under such federal grants over the next three years, and any other relevant matters.

Section 11. Notwithstanding any other provision in House Bill 200 of the 126th General Assembly to the contrary, the total amount appropriated in said House Bill 200 to the following combination of State agencies, excluding any appropriations in said bill to said agencies for debt service, pensions, health and welfare grants, Municipal Street Aid, Social Security and health insurance, is hereby reduced by an additional sum of \$500,000:

10-00-000	Executive Offices
20-00-000	Department of State
25-00-000	Department of Finance
30-00-000	Department of Administrative Services
35-00-000	Department of Health & Social Services
40-00-000	Department of Natural Resources and Environmental Control
45-00-000	Department of Public Safety
50-00-000	Department of Community Affairs and Economic Development
55-00-000	Department of Highways and Transportation
60-00-000	Department of Labor
65-00-000	Department of Agriculture

Section 12. Purchase orders initiated by any Department or Agency of the State Government for items chargeable against Capital Outlay authorizations in House Bill No. 200, as amended, shall be approved by the Budget Director before execution.

Section 13. Further amend House Bill No. 200, as amended, and approved by the Governor on July 1, 1971 by revising all totals therein to conform with all pertinent changes made in compliance with House Bill No. 497 and House Joint Resolution No. 20, approved by the Governor on July 1, 1971, as well as all changes made by this Act, as amended.

Section 14. Further amend House Bill No. 200, as amended and approved by the Governor on July 1, 1971, by striking subsection (f) of Section 10 of said Bill in its entirety, as the same appears on page 68 of said bill.

#### Section 15. Severability

If any section, subsection, sentence, phrase or word of this Act or circumstances arising out of the application thereof shall be declared unconstitutional under the Constitution of the State of Delaware or of the the United States by a state or federal court of competent jurisdiction, the remainder of this Act shall be unimpaired and shall continue in full force and effect and proceedings thereunder shall not be affected.

Section 16. All provisions of this Act shall become effective as of June 30, 1971.

Approved August 3, 1971.

CHAPTER 307  
FORMERLY SENATE BILL  
NO. 50

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO  
THE SELF-INSURANCE FUND FROM THE CAPITAL  
INVESTMENT FUND.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. There is hereby appropriated to the Insurance Department of Delaware for the Self-Insurance Fund the sum of \$1,000,000.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid out of the Capital Investment Fund of the State Treasury from funds not otherwise appropriated.

Section 3. This appropriation from the Capital Investment Fund shall be permanent in order to augment the capital funding of the Self-Insurance Fund and shall not revert.

Approved August 5, 1971.

## CHAPTER 308

FORMERLY SENATE BILL NO. 51  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO  
THE STATE EMPLOYEES' RETIREMENT FUND FROM  
THE CAPITAL INVESTMENT FUND.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby appropriated to the State Employees' Retirement Fund the sum of \$1,000,000.

Section 2. This act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid out of the Capital Investment Fund of the State Treasury from funds not otherwise appropriated.

Section 3. This appropriation from the Capital Investment Fund shall be permanent in order to augment the capital funding of the State Employees' Retirement Fund and shall not revert.

Approved August 5, 1971.

CHAPTER 309  
FORMERLY SENATE BILL  
NO. 467

**AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION  
TO THE DEPARTMENT OF JUSTICE FOR THE PUR-  
CHASE OF THE 1970 POCKET PART SUPPLEMENTS TO  
THE DELAWARE CODE.**

WHEREAS, the Department of Justice signed a contract on October 31, 1969, with West Publishing Co. for the purchase of one thousand (1,000) sets of pocket part supplements to the Delaware Code; and

WHEREAS, West Publishing Co. has delivered 1,000 sets of these pocket parts to the Legislative Council for distribution and has billed the Department of Justice as of May 26, 1971 for \$65,420; and

WHEREAS, the Department of Justice and the Code Revision Commission failed to request and was not appropriated this amount of money in the Budget for fiscal 1971 or 1972;

NOW THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$65,420 is hereby appropriated to the Department of Justice for the purpose of remitting to West Publishing Co. that amount in payment for the 1970 pocket part supplements to the Delaware Code.

Section 2. The funds appropriated herein shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Approved August 5, 1971.

## CHAPTER 310

FORMERLY SENATE BILL  
NO. 488

AN ACT TO AMEND CHAPTER 280, VOLUME 58, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND CHAPTER 6, TITLE 29, DELAWARE CODE, RELATING TO GENERAL ASSEMBLY BY PROVIDING FOR THE COMPOSITION AND REAPPORTIONMENT THEREOF" BY MAKING TECHNICAL CORRECTIONS IN CERTAIN REPRESENTATIVE AND SENATORIAL DISTRICTS CONTAINED THEREIN.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 1 of Chapter 280, Volume 58, Laws of Delaware, by:

(a) Striking the words "(Route 12)" where they appear in § 621 (a) thereof and inserting in lieu thereof the words "(Route 13)."

(b) Striking the period at the end of § 621 (b) thereof and inserting in lieu thereof the following:

“; thence in a northwesterly direction along the center line of 37th Street to its intersection with the clear line of Washington Street.”

(c) Striking the phrase "(North of 6th Street)" where it appears in § 621 (e) thereof and inserting in lieu thereof the phrase "(North of Scott Street)".

(d) Striking the phrase "thence southeasterly along the center line of Lancaster Avenue to its intersection with the center line of the western boundary of the City of Wilmington;" where it appears in § 621 (f) thereof.

(e) Striking the phrase "thence northeasterly along the center line of Adams Street and Adams Street extended to its intersection with the center line of Adams Street and Adams Street

extended to its intersection with the center line of Brandywine Creek; “where it appears in § 621 (f) thereof and inserting in lieu thereof the phrase “thence northeasterly along the center line of Adams Street and Adams Street extended to its intersection with the center line Brandywine Creek;”

Section 2. Amend Section 2 of Chapter 280, Volume 58, Laws of Delaware, by striking the phrase “thence northwesterly and southwesterly along the center line of the Christina River;” where it appears in § 622 (c) thereof.

Section 3. Amend Section 3 of Chapter 280, Volume 58, Laws of Delaware, by;

(a) Striking the words “Nichols Drive” where they appear in § 631 (f) thereof and inserting in lieu thereof the words “Nichols Avenue.”

(b) Striking the words “thence northeasterly along the center line of Faulkland Road to its intersection with the center line of Mill Creek; thence generally northerly along the center line of Mill Creek, by its several courses, “where they appear in § 631 (g) thereof and inserting in lieu thereof the words “thence northeasterly along the center line of Faulkland Road to its intersection with the center line of Red Clay Creek; thence generally northerly along the center line of Red Clay Creek, by its several courses,”

(c) Striking the words “Sanders Avenue” wherever they appear in § 631 (h) thereof and inserting in lieu thereof the words “Sanders Road.”

(d) Striking the phrases “thence northwesterly and southerly along the center line of the northern boundary of the Town of Elsmere to its intersection with the center line of Montgomery Road; thence northerly, southerly and easterly along the center line of Montgomery Road to its intersection with the center line of Centre Road;” where they appear in § 631 (h) thereof and inserting in lieu thereof the phrases “thence northwesterly and southerly along the center line of the northern boundary of the Town of Elsmere to its intersection with the center line of Jefferson Avenue; thence northerly along the center line of Jefferson Avenue to its intersection with the center line of Montgomery Road; thence southerly and westerly along the center

line of Montgomery Road to its intersection with the center line of Centre Road;”

(e) Striking the words “easterly along the center line of Rhode Island Avenue (extended)” where they appear in § 631 (h) thereof and inserting in lieu thereof the words “westerly along the center line of Rhode Island Avenue (extended).”

(f) Striking the words “thence westerly along the center line of Faulkland Road to its intersection with the center line of Mill Creek; thence northerly along the center line of Mill Creek by its several courses” where they appear in § 631 (h) thereof and inserting in lieu thereof the words “thence westerly along the center line of Faulkland Road to its intersection with the center line of Red Clay Creek; thence northerly along the center line Red Clay Creek by its several courses.”

(g) Striking the words “North Avenue” where they appear in § 631 (i) thereof and inserting in lieu thereof the words “Winston Place.”

(h) Striking the word “(Baltmoor)” where it appears in § 631 (i) thereof and inserting in lieu thereof the word “(Bellemoor)”.

(i) Striking the word “Mattes” where it appears in § 631 (i) thereof and inserting in lieu there the word “Matthes.”

(j) Striking the word “(Baltmoor)” wherever it appears in § 631 (j) thereof and inserting in lieu thereof the word “(Bellemoor).”

(k) Striking the words “West North Avenue” wherever they appear in § 631 (j) thereof and inserting in lieu thereof the words “Winston Place,” and also inserting the words “The center line of” before the words “Winston Place” where they appear the first time in said section.

(l) Striking the words “Chestnut Street” and Chestnut Street Extended” wherever they appear in § 631 (j) thereof and inserting in lieu thereof the words “Sanders Road.”

(m) Striking the words “thence generally westerly along the

northern boundary of the Town of Elsmere to its intersection with the center line of Montgomery Road; thence westerly along the center line of Montgomery Road by its several courses to its intersection with the center line of Centre Road;" where they appear in § 631 (j) thereof and inserting in lieu thereof the words "thence generally westerly and southerly along the northern boundary of the Town of Elsmere to its intersection with the center line of Jefferson Avenue; thence northerly along the center line of Jefferson Avenue to its intersection with the center line of Montgomery Road; thence southerly and westerly along the center line of Montgomery Road to its intersection with the center line of Centre Road;"

(n) Striking the words "thence in a generally southeasterly direction along the center line of Midfield Road to its intersection with the center line of Chelwynne Road; thence southwesterly along the center line of Chelwynne Road to its intersection with the center line of Glenn Avenue;" where they appear in § 631 (l) thereof and inserting in lieu thereof the words "thence in a generally southeasterly direction along the center line of Midfield Road to its intersection with the center line of Glenn Avenue;"

(o) Striking the words "thence in a generally southeasterly direction along the center line of Midfield Road to its intersection with the center line of Chelwynne Road; thence southwesterly along the center line of Chelwynne Road to its intersection with the center line of Glenn Avenue;" where they appear in § 631 (m) thereof and inserting in lieu thereof the words "thence in a generally southeasterly direction along the center line of Midfield Road to its intersection with the center line of Glenn Avenue;"

(p) Striking the words "thence southeasterly along the center line of West Bellamy Drive to its intersection with the center line of West Bellamy Drive to its intersection with the center line of Airport Road;" where they appear in § 631 (n) thereof and inserting in lieu thereof the words "thence southeasterly along the center line of West Bellamy Drive to its intersection with the center line of Airport Road;"

(q) Striking the words "thence northeasterly and northerly along the center line of Pickwick Drive to its intersection with the center line of Milltown Road;" where they appear in § 631 (o) thereof and inserting in lieu thereof the words "thence north-

easterly and northly along the center line of Pickwick Drive to its intersection with the center line of Pecksniff Road; thence northerly along the center line of Pecksniff Road to its intersection with the center line of Milltown Road;”

(r) Striking the words “thence northerly along the center line of West Robino Drive to its intersection with the center line of the southern boundary of the Delcastle County Recreation Center; thence northwesterly along the center line of the southern boundary of the Delcastle County Recreation Center to its intersection with the center line of McKennans Church Road;” where they appear in § 631 (q) thereof and inserting in lieu thereof the words “thence northerly along the center line of West Robino Drive to its intersection with the center line of the southern boundary of the Delcastle County Recreation Center extended; thence northwesterly along the center line of the southern boundary of the Delcastle County Recreation Center extended and the Delcastle County Recreation Center to its intersection with the center line of McKennans Church Road;”

(s) Striking the words “thence southeasterly along the center line of the southern boundary of the Delcastle County Recreation Center to its intersection with the center line of West Robino Drive;” where it appears in § 631 (p) thereof and inserting in lieu thereof the words “thence southeasterly along the center line of the southern boundary of the Delcastle County Recreation Center and the Delcastle County Recreation Center extended to its intersection with the center line of West Robino Drive;”

(t) Striking the words “thence southwesterly along the center line of Milltown Road to its intersection with the center line of Pickwick Drive;” where it appears in § 631 (p) thereof and inserting in lieu thereof the words “thence southwesterly along the center line of Milltown Road to its intersection with the center line of Pecksniff Road; thence southerly along the center line of Pecksniff Road to its intersection with the center line of Pickwick Drive;”

(u) Striking the words “thence in an easterly direction along the center line of New Linden Hill Road to its intersection with the center line of Pike Creek Road; thence in a northerly direction along the center line of Pike Creek Road to its intersection with the center line of Linden Hill Road; thence in a northeasterly

direction along the center line of Linden Hill Road to its intersection with the center line of Limestone Road;" where they appear in § 631 (q) thereof and inserting in lieu thereof the words "thence in an easterly direction along the center line of New Linden Hill Road to its intersection with the center line of Limestone Road;"

(v) Striking the words "thence in an easterly direction along the center line of New Linden Hill Road to its intersection with the center line of Pike Creek Road; thence in a northerly direction along the center line of Pike Creek Road to its intersection with the center line of Linden Hill Road; thence in a northeasterly direction along the center line of Linden Hill Road to its intersection with the center line of Limestone Road;" where they appear in § 631 (r) thereof and inserting in lieu thereof the words "thence in an easterly direction along the center line of New Linden Hill Road to its intersection with the center line of Limestone Road;"

(w) Striking the words "All that portion of New Castle County bounded by a line beginning at the intersection of the center line of North College Avenue with the center line of E. Main Street in Newark; thence in a westerly direction along the center line of E. Main Street to its intersection with the center line of Elkton Road;" where they appear in § 631 (t) thereof and inserting in lieu thereof the words "All that portion of New Castle County bounded by a line beginning at the intersection of the center line of North College Avenue with the center line of West Main Street in Newark; thence in a westerly direction along the center line of West Main Street to its intersection with the center line of Elkton Road;"

(x) Striking the words "East Main Street" where they appear in § 631 (u) thereof and inserting in lieu thereof the words "West Main Street."

(y) Striking the words "thence northeasterly and southeasterly along the center line of West Edenburg Drive to its intersection with the center line of East Lyne Lane; thence northeasterly along the center line of East Lyne Lane to its intersection with the center line of a stream connecting Christina Creek-Christina River with East Lyne Lane;" where they appear in

§ 631 (v) thereof and inserting in lieu thereof the words “thence northeasterly and southeasterly along the center line of West Edenburgh Drive to its intersection with the center line of Tyne Drive; thence northeasterly along the center line of Tyne Drive to its intersection with the center line of a stream connecting Christina Creek-Christina River with Airport Road;”

Section 4. Amend Section 4 of Chapter 280, Volume 58, Laws of Delaware, by:

(a) Striking the words “thence in a generally northwesterly direction along the center line of Kingman Drive” where they appear in § 632 (c) thereof and inserting in lieu thereof the words “thence in a generally northerly direction along the center line of Kingman Drive.”

(b) Striking the words “thence in a northeasterly direction along the center line of Brandywood Drive” where they appear in § 632 (c) thereof and inserting in lieu there of the words “thence in a northerly direction along the center line of Brandywood Drive.”

(c) Striking the words “thence in a northerly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of the boundary between the states of Pennsylvania and Delaware;” where they appear in § 632 (d) thereof and inserting in lieu thereof the words “thence in a northwesterly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of the boundary between the states of Pennsylvania and Delaware;”

(d) Striking the words “thence in an easterly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of Red Clay Creek;” where they appear in § 632 (e) thereof and inserting in lieu thereof the words “thence in an easterly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of a stream connecting Red Clay Creek with White Clay Creek (northwest of Bread and Cheese Island); thence easterly along the center line of the stream connecting Red Clay Creek with White Clay Creek to its intersection with the center line of Red Clay Creek;”

(e) Striking the words “thence in an easterly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of Red Clay Creek;” where they appear in § 632 (f) thereof and inserting in lieu thereof the words “thence in an easterly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of a stream connecting Red Clay Creek with White Clay Creek (northwest of Bread and Cheese Island); thence easterly along the center line of the stream connecting Red Clay Creek with White Clay Creek to its intersection with the center line of Red Clay Creek;”

(f) Striking the words “thence in a clockwise direction along the center line of Boyds Valley Road to its intersection with the center line of New Linden Hill Road; thence in an easterly direction along the center line of New Linden Hill Road to its intersection with the center line of Pike Creek Road; thence in a northerly direction along the center line of Pike Creek Road to its intersection with the center line of Linden Hill Road; thence in a northeasterly direction along the center line of Linden Hill Road to its intersection with the center line of Limestone Road,” where they appear in § 632 (f) thereof and inserting in lieu thereof the words “thence in a clockwise direction along the center line of Boyds Valley Road to its intersection with the center line of New Linden Hill Road; thence in a northeasterly direction along the center line of New Linden Hill Road to its intersection with the center line of Limestone Road.”

(g) Striking the words “thence clockwise along the center line of the northern boundary line of the Town of Newport to its intersection with the center line of Newport Pike; thence in a northeasterly direction along the center line of the Newport Pike to its intersection with the center line of Boxwood Road;” where they appear in § 632 (h) thereof and inserting in lieu thereof the words “thence clockwise along the center line of the western, northern and eastern boundary line of the Town of Newport to its intersection with the center line of Newport Pike-Maryland Avenue; thence in a northeasterly direction along the center line of Newport Pike-Maryland Avenue to its intersection with the center line of Boxwood Road;”

(h) Striking the words “Newport Pike” where they appear in

§ 632 (j) thereof and inserting in lieu thereof the words "Newport Pike-Maryland Avenue."

(j) Striking the words "thence in an easterly direction along the center line of New Linden Hill Road to its intersection with the center line of Pike Creek Road; thence in a northerly direction along the center line of Pike Creek Road; to its intersection with the center line of Linden Hill Road; thence in a northeasterly direction along the center line of Linden Hill Road to its intersection with the center line of Limestone Road; where they appear in § 632 (k) thereof and inserting in lieu thereof the words "thence in an easterly direction along the center line of New Linden Hill Road to its intersection with the center line of Limestone Road;"

Section 5. Amend Section 8 of Chapter 28, Volume 58, Laws of Delaware, by striking the number "429" where it appears in § 652 (a) thereof and inserting in lieu thereof the number "529."

Approved August 5, 1971.

CHAPTER 311  
FORMERLY HOUSE BILL  
NO. 536

**AN ACT TO AMEND CHAPTER 96, VOLUME 58, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO ADDITIONAL PAYMENTS FOR INJURIES OR DEATH AND INCIDENTAL BENEFITS."**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 1 of Chapter 96, Volume 58, Laws of Delaware, by striking the first sentence of Section 2334 in its entirety, and inserting in lieu thereof the following:

"Any person who is totally disabled on or after the date this section is enacted, or any widow, widower, or dependent who is receiving benefits under Section 2330 on or after the date this section is enacted shall be entitled to an additional amount of compensation as calculated under subsection (a) and (b) of this section, provided that the total amount to be received shall not exceed the maximum weekly benefit rate in Section 2324 effective on September 1, 1970, or the benefit derived from Section 2330 as of September 1, 1971."

FURTHER AMEND Chapter 96, Volume 58, Laws of Delaware, by adding a new section thereto to read as follows:

"Section 6. If any clause, sentence, or part of this Act or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act."

Approved August 5, 1971.

## CHAPTER 312

FORMERLY HOUSE BILL NO. 131  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1**AN ACT TO AMEND ARTICLE 2, SECTION 17 OF THE  
CONSTITUTION OF THE STATE OF DELAWARE BY  
ELIMINATING THE PROHIBITIONS AGAINST CERTAIN  
TYPES OF LOTTERIES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each House thereof concurring therein):*

Section 1. Amend Article 2 of the Constitution of the State of Delaware by striking Section 17 and substituting in lieu thereof the following:

**§ 17. Lotteries and other gambling**

All forms of gambling are prohibited in this State except the following:

(a) Lotteries under State control for the purpose of raising funds,

(b) Wagering or betting on races within the enclosure of any race meeting licensed and conducted under the laws of this State by the use of pari-mutual machines or totalizators,

(c) Bingo games as conducted under the limitations of Section 17A.

The General Assembly shall enforce this Section by appropriate legislation.

CHAPTER 313

FORMERLY SENATE JOINT  
RESOLUTION NO. 25

**AUTHORIZING AND DIRECTING THE SECRETARY OF THE  
DEPARTMENT OF FINANCE AND THE STATE  
TREASURER TO INITIATE PAYROLL DEDUCTIONS  
FOR THE DEFERRED COMPENSATION PLAN.**

WHEREAS, the State of Delaware through the Personnel Commission approved the Deferred Compensation Plan for employees of the State of Delaware; and

WHEREAS, the Deferred Compensation Plan provides a convenient method for all employees of the State of Delaware, including those in public and higher education, to save voluntarily for their future retirement from public service by signing an authorization for payroll deductions for this purpose; and

WHEREAS, the Deferred Compensation Plan is only possible through regular payroll deductions;

NOW THEREFORE,

BE IT RESOLVED by the Senate and the House of Representatives of the State of Delaware, with the approval of the Governor, as attested by his signature appended hereto, that the Secretary of the Department of Finance and the Treasurer of the State of Delaware be authorized and directed to start payroll deductions for the specific purpose of initiating the Deferred Compensation Plan as soon as possible after the enactment of this resolution.

Approved August 5, 1971.

## CHAPTER 314

FORMERLY SENATE JOINT  
RESOLUTION NO. 26**DECLARING A PROHIBITION AGAINST THE EXPENDITURE  
OF ANY STATE FUNDS FOR OUT-OF-STATE TRAVEL  
PURPOSES.**

WHEREAS, the Governor has announced that the State is experiencing a shortage in expected revenues; and

WHEREAS, each department, division and agency of the State is searching for methods by which expenditures might be curtailed; and

WHEREAS, in many instances persons have been scheduled to attend conferences, seminars and other group meetings which are a source of professional information and improvement of occupational skills; and

WHEREAS, although such conferences are of benefit to the State, it has become necessary to prohibit out-of-state travel expenditures for the remainder of this fiscal year.

**NOW THEREFORE,**

**BE IT RESOLVED** by the Senate and House of Representatives of the State of Delaware with the approval of the Governor as attested by his signature appended hereto, that excepting travel for purposes of urgent State business, the expenditure of State money for out-of-state travel and accommodations is hereby prohibited for the remainder of this fiscal year. All persons desiring the use of State funds for travel and accommodations purposes must first obtain the approval of the Governor.

**BE IT FURTHER RESOLVED**, that all travel and accommodations requiring the use of State Funds are hereby cancelled, except for those persons actually transit, and all departments, divisions and agencies shall request refunds of money paid in advance.

BE IT FURTHER RESOLVED, that on January 15, 1972 and June 30, 1972, the Governor's Office shall issue a memorandum listing those persons who have used State funds for travel, a brief description of each trip taken and the amounts expended, and a copy of the memorandum shall be distributed to every member of the General Assembly.

Approved August 5, 1971.

## CHAPTER 315

FORMERLY SENATE BILL NO. 392  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 14 AND TITLE 29, DELAWARE CODE ANNOTATED, AS THE SAME REFER TO LOCAL SCHOOL BONDS, SCHOOL CONSTRUCTION CAPITAL IMPROVEMENTS, AND BONDS OF THE STATE OF DELAWARE, AND THE DUTIES OF THE SECRETARY OF FINANCE WITH REFERENCE THERETO.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of the Members elected to each branch thereof concurring therein):*

Section 1. Section 2105, Title 14, Delaware Code, is amended by striking said section in its entirety and substituting in lieu thereof the following:

**§ 2105. Procedure governing sale of bonds**

The School Board of any District, with the exception of the Board of Public Education in Wilmington, shall sell any bonds to be issued pursuant to the authority contained in this Chapter or pursuant to any other provision of law, to the State of Delaware at private sale. The State may require that the validity of the bonds be approved by the Attorney General or his designate. The Board shall cause a complete record of the proceedings taken in relation to the issuance of the bonds to be made and kept with the other records of the Board, and shall cause a duplicate of such record to be made and filed with the State Board of Education.

Section 2. Section 2107, Title 14, Delaware Code, is amended by striking said section in its entirety and substituting in lieu thereof the following:

**§ 2107. Terms and form of bonds**

The bonds shall be in such denomination or denominations, in such form and shall bear such rate of interest, as shall be determined by the State of Delaware pursuant to Chapter 75,

Section 7506, Title 29, of the Delaware Code; provided, however, that the School Boards of any District shall be consulted regarding the term of such bonds. The bonds shall bear interest from and after their date, payable semi-annually on the days designated in the bonds. The bonds shall consist of a single bond registered as to both principal and interest with the principal thereof payable in installments and interest thereon payable semi-annually. The amounts of principal payable and the dates on which such payments are due shall be noted on the bond form. The dates on which the interest is due shall also be noted on the bond form. Such bonds shall be payable in serial installments beginning not more than one year after the date of the bonds and ending not more than twenty-five years after such date; the amount of any installment payable in any one year, except the last year, shall be not less than one twenty-fifth of the aggregate principal amount of the bonds of such issue.

Section 3. Section 2112, Title 14, Delaware Code, is amended by striking said section in its entirety and substituting in lieu thereof the following:

**§ 2112. Cancellation and destruction of paid bonds and coupons**

As and when any of the bonds issued under the authority of this Chapter or the coupons annexed thereto shall have been paid, the same shall be cancelled by the Farmers Bank of the State of Delaware which shall forthwith make a record of the payment of such bonds or coupons and deliver such record to the School District which issued the bonds and thereafter cause the bonds or coupons to be burned or otherwise destroyed.

Section 4. Section 2116, Title 14, Delaware Code, is amended by striking paragraph (e) as the same appears in said section and substituting in lieu thereof a new paragraph (e) to read as follows:

(e) The Secretary of Finance is hereby authorized and directed to draw warrants or drafts on such fund in the amount of the principal of and interest on such bonds or other obligations as the same shall become due and payable and to deposit such money so drawn to the credit of the General Fund of the State.

Section 5. Section 2709, Title 29, Delaware Code, is amend-

ed by striking said section in its entirety and substituting in lieu thereof the following:

**§ 2709. Destruction of cancelled bonds and coupons**

The Secretary of Finance may cause the Farmers Bank of the State of Delaware to destroy any paid off, matured, redeemed, called or cancelled bonds and coupons of the State, which he deems advisable. The Farmers Bank of the State of Delaware shall give the State Treasurer a certificate of destruction or cremation of such bonds and coupons which shall be retained by the Secretary of Finance.

Section 6. Section 2711, Title 29, Delaware Code, is amended by striking said section in its entirety and substituting in lieu thereof the following:

**§ 2711. Bond servicing procedure**

The Secretary of Finance shall cause the Farmers Bank of the State of Delaware to maintain reconciliation statements on all state bonds and coupons. Said reconciliation statements shall balance with bank statements on bond and coupon accounts. Any paid off, matured, redeemed, called or cancelled bonds and coupons shall be held by the Farmers Bank of the State of Delaware on behalf of the Secretary of Finance until a sufficient quantity has been collected by the office to be cancelled and destroyed according to the provisions of this chapter.

Section 7. Section 7412, Title 29, Delaware Code, is hereby amended by striking said section in its entirety and substituting in lieu thereof the following:

**§ 7412. Redemption, record, and cancellation of bonds; payment of bonds; retention of bonds and coupons**

(a) The Secretary of Finance shall cause the Farmers Bank of the State of Delaware to provide a permanent record which shall be retained by said Farmers Bank of the State of Delaware, in which shall be kept a record of all bonds which shall be paid and redeemed according to the number thereof, and in addition thereto he shall cause said Farmers Bank of the State of Delaware to cancel any such bonds.

(b) As the said coupons are paid, the Secretary of Finance shall cause the Farmers Bank of the State of Delaware to cancel said coupons.

Section 8. Section 7413, Title 29, Delaware Code, is hereby amended by adding thereto a new section to be designated as Section 7413A to read as follows:

**§ 7413A. Registration agent**

1. The Secretary of Finance may contract with the Farmers Bank of the State of Delaware in connection with its bonds or bond anticipation notes as the registration agent for the State and for related services and for the payment by the State of a reasonable compensation to the Farmers Bank of the State of Delaware for the services to be performed by it pursuant to such contract. The Farmers Bank of the State of Delaware shall be responsible to the State for the faithful and safe conduct of the services to be performed by it as such registration agent, or services related thereto, for the fidelity and integrity of the officers and agents of such bank performing the duties of a registration agent, or services related thereto, and for all loss or damage which may result from any failure of such officers or agents to discharge their duties and for any improper or incorrect discharge of those duties, and shall save the State free and harmless from any and all loss or damage occasioned by or incurred in the performance of such services. Such contracts may be terminated by the Secretary of Finance at any time. Any such contract shall be executed in duplicate, and one copy thereof shall be filed in the office of the Secretary of Finance as a public record, and the other copy shall be delivered to the Farmers Bank of Delaware as evidence of its authority to act as such registration agent.

2. The Farmers Bank of the State of Delaware may, while acting as registration agent pursuant hereto, bid for purchase, acquire, hold, sell or dispose of obligations of the State and may enter into other service contracts with the State regardless of its contract to act as registration agent.

Section 9. Section 7423 (a), Title 29, Delaware Code, is hereby amended by adding thereto a new subparagraph to be designated as (6) to read as follows:

(6) To provide the local share of the cost of school construction as provided in any School Construction Bond Authorization Act and for additional amounts appropriated by the State to any School District for school construction.

Section 10. Section 7425, Title 29, Delaware Code, is hereby amended by adding thereto a new paragraph to be designated as (c), to read as follows:

(c) The provisions of this Subchapter shall not impose a limitation during any fiscal year on the issuance or authorization, by the State of Delaware, of bonds or notes for the purpose of financing the local share of a School Construction Program as authorized by any School Construction Bond Authorization Act and for additional amounts appropriated by the state to any school district for school construction; nor shall any such bonds issued by the State of Delaware for such purpose be included in the total of bonds or notes pledging the faith and credit of the State which are issued and outstanding and authorized but not issued as set forth in the debt statement accompanying any bill authorizing the issuance of bonds or notes pledging the faith and credit of the State as provided in Section 7424 of this Chapter.

Section 11. Section 7506, Title 29, Delaware Code, is hereby amended by striking paragraph (a) of said section and substituting in lieu thereof the following:

**§ 7506. Local bonds**

(a) Any school district which is entitled under the provisions of any School Construction Bond Authorization Act to an apportionment of a State share and which is required therein to provide a local matching share is authorized to issue its bonds for the purpose of raising money to pay the local share set forth in such School Construction Bond Authorization Act and raising such additional amount, if any, as such school district may desire to expend for school construction. If such bonds are issued, they shall be authorized by the Board of Education of the school district pursuant to the provisions of Chapter 21 of Title 14, except in the case of the City of Wilmington, in which case the local share to be contributed by the Board of Public Education in Wilmington may be raised by the proper authorities of said City by issuing bonds pursuant to the provisions of Chapter 175,

Volume 52, or Chapter 163, Volume 32, Laws of Delaware, as amended. The provisions of Chapter 20 of Title 14, shall be complied with in the event that the amount in addition to the local share is for school construction which varies from the standard formula. Such bonds and any notes issued in anticipation of the issuance of such bonds shall, except in the case of the City of Wilmington, be sold to the State of Delaware. Such bonds shall bear interest at a rate not less than the rate payable on bonds of the State of Delaware issued to provide such local share plus an amount to cover administrative expenses of the State in connection with the financing of School Construction Programs in an amount not exceeding one-quarter of one percent per annum. The State of Delaware shall issue its bonds to provide the local share of any School Construction Program in accordance with the provisions of any School Construction Bond Authorization Act, as well as any additional amounts which the qualified voters of any school district shall have authorized to be expended for school construction; provided, however, that such additional amounts must first have been appropriated to such school district in a School Construction Bond Authorization Act or amendment to such an Act. Such bonds shall not be included in the amount of bonds or notes pledging the faith and credit of the State of Delaware which are issued and outstanding, authorized but not issued, and about to be issued. The Department of Finance of the State of Delaware shall annually prepare a report setting forth in brief detail all bonds or notes issued by the State of Delaware for the purpose of financing a local share of a School Construction Program the bonds or notes purchased from local school districts and setting forth receipts and disbursements.

Section 12. Section 7513, Title 29, Delaware Code, is hereby amended by striking said section in its entirety and substituting in lieu thereof the following:

**§ 7513. Local funds to be deposited**

The moneys paid to the Secretary of Finance by a school district as its local share under any School Construction Bond Authorization Act and any funds appropriated as its local share by the State of Delaware under any School Construction Bond Authorization Act, including any additional amount appropriated to such School District by the State, and for the financing of which bonds of the State are to be issued, shall be deposited by

the Secretary of Finance in the Farmers Bank of the State of Delaware, at Dover, and shall be expended only for school construction in such district. Each of said local shares and additional amounts shall be credited with interest when and to the same extent as the said bank credits interest on deposits of other State moneys in said bank.

Section 13. This act shall take effect immediately.

Approved October 12, 1971.

## CHAPTER 316

FORMERLY SENATE BILL NO. 360  
AS AMENDED BY SENATE ADMENDMENT  
NO. 1 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 70, TITLE 6, OF THE DELAWARE CODE RELATING TO ECONOMIC DEVELOPMENT AND ENVIRONMENTAL FACILITIES, AUTHORIZING THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT TO ISSUE BONDS WITH OR WITHOUT THE FULL FAITH AND CREDIT OF THE STATE BEING PLEDGED TO THE PAYMENT THEREOF, LIMITING THE AMOUNT OF BONDS TO WHICH THE FULL FAITH AND CREDIT OF THE STATE MAY BE PLEDGED, DEFINING THE PURPOSES FOR WHICH SUCH BONDS MAY BE ISSUED, AND RELATED MATTERS.

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all of the members of each House concurring therein):*

Section 1. Amend Chapter 70, Title 6, Delaware Code, by reentitling said chapter "Economic Development and Environmental Facilities."

Section 2. Amend Section 7001, Title 6, Delaware Code, by striking subsection (e) in its entirety and by relettering subsections (f), (g), (h), and (i) as (e), (f), (g), and (h) respectively.

Section 3. Section 7001, Title 6, Delaware Code, is hereby amended by adding a new subsection (i) to read as follows:

"(i) Due to increased industrialization and urbanization of many areas of the State of Delaware, dangers to the public health and welfare caused by the pollution of the air, water and soil, high levels of noise and thermal water conditions caused by industry have become increasingly evident. Therefore, it is necessary to protect the public health and welfare by fostering the prevention of the pollution of our environment and the protection of our natural resources."

Section 4. Section 7001, subsection (h) which was relettered as such in Section 2 of this Act, Title 6, Delaware Code; is hereby amended by deleting the last paragraph thereof and substituting the following:

“Therefore, it is declared to be the policy of this State to promote the health, welfare and the good order of the inhabitants thereof by authorizing the Department of Community Affairs and Economic Development, acting as a public agency of the State of Delaware, to be vested with authority to implement the purposes of this chapter. For such purposes, the public money may be spent and the credit of the State pledged.”

Section 5. Amend Section 7002, Title 6, Delaware Code, by deleting same in its entirety and inserting in lieu thereof the following:

#### § 7002. Definitions

The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meanings:

(1) “State,” the State of Delaware.

(2) “Department,” the Department of Community Affairs and Economic Development.

(3) “Cost” as applied to any project shall embrace the cost of construction, the cost of acquisition of all property, including rights in land and other property, both real and personal and improved and unimproved, the cost of demolishing, removing or relocating any buildings or structures on lands so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated, the cost of all machinery, equipment, financing charges, interest prior to and during the construction and, if deemed advisable by the Department, for a period not exceeding one year after completion of construction, the cost of engineering and architectural surveys, plans and specifications, the cost of consultants’ fees and legal services, other expenses necessary or incident to determining the feasibility or practicability of constructing such project, administrative and other expenses necessary or incident to the

construction of such project and the financing of the construction thereof, including reimbursement to any governmental agency or any lessee of such project for such expenditures, made with the prior approval of the Department, that would be costs of the project hereunder had they been made directly by the Department.

(4) "project" means any one or more buildings or other structures to be constructed, rehabilitated, improved, renovated, or enlarged which the Department finds meets the requirements of Section 7003 of this chapter, including the site or sites thereof and all other rights in land, furnishings, machinery and equipment and grading and improvement of the site or sites together with access roads, sidewalks, and, either separately or as part of a project, water supply and distribution facilities and sewage collection, treatment and disposal facilities, facilities for the incineration and compaction of garbage and refuse, facilities and devices for the prevention or correction of air pollution and water pollution, airports, docks, wharves, storage facilities, research and development facilities, shipping, receiving and distribution facilities and other improvements necessary or convenient for the construction, maintenance and operation thereof."

Section 6. Section 7003, Title 6, Delaware Code, is hereby amended as follows:

(a) Delete the first two sentences of Subsection (a) and substitute the following:

"(a) The Department is authorized to issue bonds, notes and refunding bonds of the Department to finance the cost of any project which the Department finds:"

(b) Insert a comma followed by the words "or where the environmental and natural resources are in danger of pollution" at the end of subsection (a) (1).

(c) Insert a comma followed by the words "or will consist of facilities for the supply and distribution of water, the acquisition, treatment and disposal of sewage, the incineration and compaction of garbage and refuse or the prevention and collection of air and water pollution, or any facilities otherwise described within the definition of 'project'" at the end of subsection (a) (2).

(d) Delete subsection (a) (5) and insert the following in lieu thereof:

“(5) Will be leased or sold upon the condition that the prospective tenant, purchaser, or assisted person is legally obligated to deposit with the trustee under the trust indenture securing the bonds a cash fund equal to the highest single yearly payment due from the tenant, purchaser, or assisted person to the Department under the terms of the lease, mortgage, or other security instrument between the Department and the purchaser, tenant, or assisted person, said fund to be pledged for the purposes provided in Section 7005 (g) of this chapter.”

(e) Delete subsection (b) and insert the following in lieu thereof:

“(b) The Department may pledge the full faith and credit of the State of Delaware to the guaranty of bonds, notes or refunding bonds authorized to be issued hereunder; provided, however, that the total authorized principal amount of bonds to which the full faith and credit of the State of Delaware has been pledged shall not exceed \$20,000,000 and no individual project shall be financed by such bonds in excess of \$3,000,000. The retirement of bonds to which the full faith and credit of the State has been pledged will not reduce said total authorized amount of bonds to which the full faith and credit of the State may be pledged. The Department may issue such bonds, notes, or refunding bonds, at any time so long as the total amount of such bonds, notes or refunding bonds, outstanding or provision for the payment of which has been made, including the bonds, notes or refunding bonds to be issued, does not exceed \$20,000,000. The Department may also issue bonds, notes and refunding bonds payable solely from the revenues of the project for which the bonds have been issued. Such bonds may be issued for a project whether or not such project is or will be financed by bonds to which the full faith and credit of the State has or will be pledged.”

(f) Insert the following words: “lease, convey, with or without consideration” after the word “repair,” and before the words “and operate projects,” in subsection (c) (4).

(g) Delete subsection (c) (7) and insert the following in lieu thereof:

“(7) To secure the payment of its bonds, notes and refunding bonds or any part thereof by pledge, or deed of trust of all, or any of its revenues and receipts, and to make such agreements with the purchasers of holders of its bonds, notes and refunding bonds or with others in connection with any such bonds, notes and refunding bonds whether issued or to be issued, including the pledgng of the full faith and credit of the State, as the Department deems advisable; subject to the limitations of this chapter and in general to provide for the security of its bonds, notes and refunding bonds, and the rights of the holders thereof.”

(h) Delete subsection (c) (10) and insert the following in lieu thereof:

“(10) To pledge, hypothecate, or otherwise encumber all or any of its revenues or receipts, as security for all or any of its obligations.”

(i) Remove the period and insert a comma followed by the following language at the end of subsection (c) (13) “except insofar as the State may be obligated to the payment of bonds, notes and refunding terms to which the full faith and credit of the State has been pledged.”

(j) Substitute the name “Department for “Industrial Commission” wherever the same appears in Section 7003.

Section 7. Subsections (a), (b), (c) and (d) of Section 7004, Title 6, Delaware Code, are hereby deleted and the following inserted in lieu thereof:

“(a) The bonds authorized to be issued by this chapter shall be authorized by the Department and shall be of such series; bear such date or dates; mature at such time or times not exceeding 25 years from their respective dates; bear interest at such rate or rates; be in such denominations; be of a single denomination payable in installments; be in such form, either coupon or fully registered without coupon, carry such registration, exchangeability, and interchangeability privileges; be payable in such medium of payment and at such place or places; be subject to such terms of redemption; and be entitled to such priorities in the revenue or receipts of the Department as such authorization may provide. The bonds shall be signed by a facsimile of the signature

of the Secretary of the Department, and by the Secretary of the Council on Industrial Financing, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the Secretary of the Department. Any such bonds may be issued and delivered notwithstanding the fact that one or more of the officials signing such bonds or whose facsimile signature shall be upon the bonds or coupons, shall have ceased to be such official or officials at the time when such bond shall actually be delivered.

The bonds may be sold at public or private sale for such price or prices as the Department shall determine. Pending the preparation of the definitive bonds, interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Department may determine.

(b) Any authorization authorizing bonds may contain provisions which shall be part of the contract with the holders thereof as to (1) pledging the full faith and credit of the State for such obligations or restricting the same to all or any of the revenues of the Department from all or any projects or properties; (2) the construction, improvement, operation, extension, enlargement, maintenance, and repair of the project, and the duties of the Department with reference thereto; (3) the terms and provisions of the bonds; (4) limitations on the purposes to which the proceeds of the bonds then, or thereafter to be issued, or of any loan or grant by the State, Federal agency, municipality, corporation or authority, may be applied; (5) the setting aside of reserves or sinking funds and the regulation and disposition thereof; (6) limitations on the issuance of additional bonds; (7) the terms and provisions of any deed of trust or indenture securing the bonds or under which the same may be issued, and (8) any other additional agreements with the holders of the bonds.

(c) The Department may enter into any deeds of trust, indentures, or other agreements, with any bank or trust company or other person or persons in the United States having power to enter into the same, including any Federal agency, as security for such bonds, and may pledge the credit of the State as hereinbefore limited, and all or any of the revenues or receipts of the Department thereunder. Such deed of trust, indenture, or other agreement, may contain such provisions as may be customary in such instruments, or as the Department may authorize, including

provisions as to: (1) the construction, improvement, operation, maintenance, and repair of any project and the duties of the Department with reference thereto; (2) the application of funds and the safeguarding of funds on hand or on deposit; (3) the rights and remedies of the trustee and holders of the bonds which may include restrictions upon the individual right of action of such bondholders; and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

(d) The bonds shall have all the qualities of negotiable instruments under the law merchant, the negotiable instruments law and the Uniform Commercial Code of this State.

Section 8. Section 7005, Title 6, Delaware Code, is hereby repealed in its entirety.

Section 9. Section 7006, Title 6, Delaware Code, is renumbered 7005 and is hereby amended as follows:

(a) By striking the words "development corporation" wherever they appear therein and substituting the word "Department" — except in subsection (c) where the word "project" shall be inserted in lieu of "development corporation" in the first sentence thereof.

(b) By deleting the words "of the county" and inserting in lieu thereof the words "in which the project is located" after the words "Recorder of Deeds of the county" in the last sentence of subsection (a) thereof.

(c) By striking the words "resolution or resolutions" wherever they appear therein and substituting in lieu thereof the word "authorization."

(d) By striking the words "Industrial Commission" wherever they appear in subsection (e) and substituting in lieu thereof the word "Department."

(e) By deleting subsection (f) and inserting in lieu thereof the following:

"(f) If the receiver has made demand upon the Department pursuant to subsection (d) of this section, or if the Department

determines that any payment due from the assisted person to the Department is in default or if sufficient revenues are not available to make payments required to be made under the trust indenture, it shall forthwith direct the trustee under the trust indenture, to make payments of interest and principal, as they become due, from the cash reserve fund deposited pursuant to Section 7003 (a) (5) of this title. In the event that the bonds, the payment of the principal and interest on which are thereby made, are bonds to which the full faith and credit of the State has been pledged, the Secretary of the Department shall forthwith give notice to the Governor, the Secretary of the Department of Finance, the State Auditor, the Speaker of the House of Representatives and the President of the Senate, of the deficiency. Thereafter, the Budget Appropriation Bill shall be enacted and approved by each General Assembly and shall contain under the debt service item for each fiscal year provisions for the payment of interest and principal maturities of such bonds, and such of the revenues of the State of Delaware as are not prohibited by constitutional provision or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of such bonds and payment of interest thereon.

(f) By deleting subsection (g) and inserting in lieu thereof the following:

“(g) Upon the default of any obligation by the assisted person to the Department, and the payment of any funds to bondholders from the General Fund of the State, the Department shall immediately take title and possession of the project and any notes, bonds, moneys or other assets acquired in connection with the project, in the name of the State. Any funds realized through the sale, rental, or other disposition of any property right acquired by the Department pursuant to this Chapter shall be paid into the General Fund to the extent that any moneys have been paid out of the General Fund pursuant to subsection (f) of this section. Any such funds not here required to be paid into the General Fund, including fees and commissions charged by the Department, shall be used to pay the expenses of the Department, with any surplus remaining as security for the bondholders of any obligations issued pursuant to this chapter.”

Section 10. Section 7007, Title 6, Delaware Code, is renumbered 7006 and is hereby amended by striking the words

“development corporation” wherever they appear therein and inserting in lieu thereof the word “Department.”

Section 11. Sections 7008 and 7009, Chapter 70, Title 6, Delaware Code, are renumbered 7007 and 7008, respectively.

Approved October 21, 1971.

## CHAPTER 317

FORMERLY HOUSE SUBSTITUTE NO. 1  
FOR HOUSE BILL NO. 57  
AS AMENDED BY  
SENATE AMENDMENTS NO. 1 AND 2 AND  
HOUSE AMENDMENTS NO. 2,3, AND 4

**AN ACT TO AID VETERANS' BY MAKING AN  
APPROPRIATION THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each house concurring therein):*

Section 1. The sum of \$10,000 is appropriated to the American Legion, Department of Delaware.

Section 2. The sum of \$10,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware.

Section 3. The sum of \$5,000 is appropriated to the Disabled American Veterans, Department of Delaware.

Section 4. The funds appropriated by Sections 1,2, and 3 hereof shall be used to furnish services through a duly selected service officer to veterans of the Armed Forces of the United States.

Section 5. The sum of \$2,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware, for operation expenses.

Section 6. The sum of \$2,000 is appropriated to the American Legion, Department of Delaware, for operation expenses.

Section 7. The sum of \$2,000 is appropriated to the Disabled American Veterans of Delaware for operation expenses.

Section 8. The sum of \$2,000 is appropriated to the Department of Delaware Jewish War Veterans of the United States for operation expenses.

Section 9. The sum of \$1,500 is appropriated to the Delaware Veterans of World War I for operation expenses.

Section 10. The sum of \$1,500 is appropriated to the American Legion, Department of Delaware, for the bearing of expenses incident to the holding of Boys' State.

Section 11. The sum of \$1,500 is appropriated to the American Legion Auxiliary, Department of Delaware, for the bearing of expenses incident to the holding of Girls' State.

Section 12. The sums herein are for the fiscal year ending June 30, 1972, and shall be paid to the Finance Officer of the respective veterans' organizations, upon warrants signed by the proper Finance Officer and approved by the Secretary, Department of Finance.

Section 13. This Act is a supplementary appropriation and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State not otherwise appropriated.

Approved October 22, 1971.

## CHAPTER 318

FORMERLY HOUSE BILL NO. 466  
AS AMENDED BY  
HOUSE AMENDMENT NO. 2**AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE  
CODE, RELATING TO EXCLUSIONS FROM INCOME.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend subsection (b), Section 1106, Title 30, Delaware Code, by deleting paragraphy (2) and substituting a new paragraph (2) to read as follows:

“(2) Any amounts received by a person who is totally and permanently disabled, or by a person over 60 years of age who is retired from regular gainful employment (one shall be gainfully employed if he earns more than \$2,000) and who does not receive adjusted gross income in excess of \$10,000 in the taxable year; the subtraction under this paragraph not to exceed \$2,000; and.”

Approved October 22, 1971.

## CHAPTER 319

FORMERLY HOUSE BILL  
NO. 550

**AN ACT TO INCREASE THE AMOUNT OF TAX ON THE FLOOR STOCKS AND INVENTORIES OF SPIRITS AS SUCH FLOOR STOCKS AND INVENTORIES WERE ON AUGUST 15, 1971.**

WHEREAS, by House Bill 512 as amended (58 Delaware) Laws, Chapter 294), the 126th General Assembly increased the rate of taxation on spirits; and

WHEREAS, said increase did not apply to the floor stock on hand in liquor stores on the effective date of the increase; and

WHEREAS, licensed liquor sellers have, at the suggestion of the Alcoholic Beverage Control Commission, held in escrow the amount of the increment in tax on the said floor stock equal to the additional amount which would be due and owing had House Bill 512 imposed such an increase in the tax on the said floor stock;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is imposed a tax on the floor stock and inventory, as such floor stock and inventory was on August 15, 1971, of spirits as defined in 4 Delaware Code, § 101, of any person, or entity licensed on that date to sell alcoholic beverages. Such floor stock tax shall be an amount equal to the difference between the amount of tax already paid on such floor stock and the increased amount of tax specified in House Bill 512 of the 126th General Assembly as amended (58 Delaware Laws, Chapter 294), and shall become due and payable on the date of enactment of this Act.

Section 2. This Act shall not apply to stock and inventory of opened containers held for sale for consumption on the premises.

Approved October 22, 1971.

## CHAPTER 320

FORMERLY HOUSE BILL  
NO. 555**AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE  
CODE, RELATING TO THE CORPORATE INCOME TAX.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subsection (a) Section 1903, Title 30, Delaware Code, is amended by deleting paragraph 3 in its entirety and by substituting a new paragraph to read as follows:

“3. Interest income (including discount) from securities issued by the United States or agencies or instrumentalities thereof, and interest income (including discount) arising from obligations representing advances, loans or contractual transactions between corporations which are eligible to file a consolidated return for Federal income tax purposes and which are subject to taxation under this chapter, if the paying corporation eliminates such interest (including discount) in determining its entire net income;”

Approved October 22, 1971.

CHAPTER 321

FORMERLY SENATE CONCURRENT  
RESOLUTION NO. 5  
AS AMENDED BY HOUSE  
AMENDMENT NO. 1

**RELATIVE TO THE DEPARTMENT OF HIGHWAYS AND  
TRANSPORTATION DELAYING FURTHER ACTION ON  
THE FREDERICA TO CAMDEN BY-PASS.**

WHEREAS, the members of the 125th General Assembly of the State of Delaware passed Senate Concurrent Resolution No. 7 directing the Division of Highways to cease any and all activity associated with the Frederica to Camden-By-Pass for reasons pursuant to such resolution; and

WHEREAS, the members of the 126th General Assembly now find it advisable for the Department of Highways and Transportation to proceed with its preparation of design, contract plans, right of way plans and such other services needed for a new section of highway extending from Frederica to the vicinity of the Penn Central Railroad south of Camden.

NOW, THEREFORE,

BE IT RESOLVED by the members of the 126th General Assembly of the State of Delaware that for all intent and purposes Senate Concurrent Resolution No. 7 enacted by the 125th General Assembly is hereby rescinded; and

BE IT FURTHER RESOLVED that the rescission of Senate Concurrent Resolution No. 7 is hereby construed as authorization for the Department of Highways and Transportation to proceed with their original plans.

BE IT FURTHER RESOLVED that the Department of Highways and Transportation is urged to obtain a written statement, following the guidelines of Section 102 of the National Environmental Policy Act which was implemented in February of 1971, assessing in detail the potential environmental impact which the Frederica to Camden By-Pass may have upon the quality of the environment for the People of Kent County.

Approved October 12, 1971.

CHAPTER 322  
FORMERLY SENATE  
CONCURRENT RESOLUTION  
NO. 29

**DIRECTING THE OFFICES OF THE EXECUTIVE AND JUDICIAL BRANCHES TO CEASE CONTRACTING FOR AND PURCHASING BOOKS, LARGE QUANTITIES OF WHICH MUST BE STORED BY THE LEGISLATIVE COUNCIL, WITHOUT CONSULTING THE DIRECTOR OF THE COUNCIL AS TO THE NUMBER NEEDED.**

WHEREAS, the Legislative Council is given the duty of storing and distributing copies of the Delaware Code, the Laws of Delaware and the House and Senate Journals of each General Assembly, the Delaware Reports, the Delaware Chancery Reports, the Delaware Reporter, and various printed reports of study committees and commissions; and

WHEREAS, the assigned storage space in Legislative Hall is entirely filled to date and unsecured areas must presently be utilized to store these valuable books; and

WHEREAS, storage space in the Insurance Building previously assigned to the Legislative Council and currently containing the majority of the books in the Council's inventory has been ordered emptied of its contents to make room for offices for the Insurance Department; and

WHEREAS, the Legislative Council has not previously and by and large does not now, control the contracting for and purchase of most of these volumes and is thus faced with a tremendous storage problem which will grow worse each year unless steps, beyond the powers of the council, are taken;

NOW THEREFORE,

**BE IT RESOLVED BY THE SENATE OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN,**

That no employee, commission, agency, division, department or official of the State of Delaware contract or purchase books of any type which will be, at any time, stored and/or distributed by

the Legislative Council without consulting the Director of the Council regarding the number of volumes to be ordered.

Approved October 12, 1971.

## CHAPTER 323

FORMERLY SENATE CONCURRENT RESOLUTION  
NO. 32 AS AMENDED  
BY HA. 1

**EXPRESSING THE CONCERN OF THE GENERAL ASSEMBLY WITH REGARD TO THE FAILURE OF THE UNIQUE HAZARDS COMMITTEE OF THE STATE DEPARTMENT OF PUBLIC INSTRUCTION TO ADEQUATELY DELINEATE "SAFETY HAZARDS" AS THE SAME APPLIES TO THE TRANSPORTATION OF PUPILS, AND CALLING FOR A MORATORIUM WITHIN WHICH TIME A STUDY AND REPORT MIGHT BE MADE.**

WHEREAS, the General Assembly of the State of Delaware is cognizant of the bussing situation in regards to Public School students of the State of Delaware; and

WHEREAS, the General Assembly of the State of Delaware is further aware that the Unique Hazards Committee of the State Department of Public Instruction has failed to delineate the safety hazards and has further failed to recommend corrective action in regards to such safety hazards in respect to the students of the Public Schools of the State of Delaware.

NOW THEREFORE,

BE IT RESOLVED by the Senate of the 126th General Assembly, the House of Representatives concurring therein, that the State Department of Public Instruction be directed to establish a moratorium of one (1) school year before steps to eliminate current bussing of students declared ineligible.

BE IT FURTHER RESOLVED that the State Department of Public Instruction be required to submit to the members of the General Assembly of the State of Delaware a complete, factual and comprehensive report, by school district, of the safety hazards existing to our children of school age; such report to include recommended remedial action or other avenues of approach in order to protect our students. Such report shall be presented not later than January 12, 1972.

Approved October 12, 1971.

## CHAPTER 324

FORMERLY HOUSE CONCURRENT RESOLUTION  
NO. 36**EXPRESSING CONGRATULATIONS TO MISS PAULA SUSAN KUSMER, THE REIGNING "MISS DELAWARE" ON HER SELECTION AS "MISS CONGENIALITY" AT THE 1972 MISS AMERICA PAGEANT AND DESIGNATING HER AN OFFICIAL HOSTESS OF AND FOR THE STATE OF DELAWARE.**

WHEREAS, Miss Paula Susan Kusmer, in her role of "Miss Delaware" has brought unusual recognition to the State of Delaware through having been chosen in the recent Miss America Pageant as "Miss Congeniality;" and

WHEREAS, the charm and talent of this lovely young lady could, and should, be shared with those who have occasion to visit our State and participate in various official programs and functions of our State;

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 126th General Assembly of the State of Delaware, the Senate concurring therein, that the 126th General Assembly hereby extends congratulations to Miss Kusmer on her selection as "Miss Congenially" at the 1972 Miss America Pageant; and

BE IT FURTHER RESOLVED that Miss Kusmer, in her dual role as our "Miss Delaware" and as "Miss Congeniality" shall be designated as an official hostess of and for the State of Delaware, fulfilling the duties implied by such title upon invitation of the Governor of our state and as her personal schedule permits.

Approved October 22, 1971.

## CHAPTER 325

FORMERLY SENATE BILL  
NO. 516  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 320, VOLUME 57, LAWS OF DELAWARE BY CHANGING THE TERMINATION DATE OF 1969 TO 1971 OF AN ACT ENTITLED "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEYS TO THE STATE BOARD OF EDUCATION."**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all members elected to each branch thereof concurring therein):*

Section 1. Amend Chapter 320, Volume 57, Laws of Delaware, by striking the figure "1969" as it appears in Section 1 thereof and substituting in lieu thereof the figure "1971."

Approved November 8, 1971.

## CHAPTER 326

FORMERLY SENATE  
BILL NO. 402

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY FOR THE CONTINUED PAYMENT TO PERSONS WHO SERVED OR WILL SERVE IN THE ARMED FORCES OF THE UNITED STATES DURING THE VIETNAM CONFLICT; TO AUTHORIZE THE ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES THEREFOR AND APPROPRIATE THE MONEY BORROWED TO THE DEPARTMENT OF FINANCE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all members elected to each house concurring therein):*

Section 1. There is appropriated to the Department of Finance the sum of \$500,000.00 or so much thereof as shall be received from the sale of Bonds and Notes hereinafter authorized, which shall be used for the purpose of continued payment of Bonuses to the Veterans of the Vietnam Conflict.

Section 2. Any of said appropriated funds remaining unexpended at end of any fiscal year shall not revert to the General Fund, but shall remain to be used for the purposes set forth in this Act.

Section 3. The said sum of \$500,000.00 shall be borrowed by the issuance of Bonds and Bond Anticipation Notes upon the full faith and credit of the State of Delaware. Such Bonds and Notes shall be authorized and issued as provided in Chapter 74, Title 29, Delaware Code. Such Bonds and Notes may be sold at either public or private sale and may be issued at one time or from time to time as the funds appropriated hereby become necessary. For purpose of identification, the Bonds issued pursuant to this authorization Act may be known, styled or referred to as Delaware Veterans Bonus Bonds of 1972.

Section 4. There is hereby appropriated from the General Fund such sums as may be necessary for the expenses incident to the issuance of the Bonds and Notes herein authorized, and such

further sums as may be necessary to pay any interest which becomes due on such Bonds and Notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said Bonds which becomes due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of Bonds and Notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Vouchers for the payment of interest and repayment of said Bonds and Notes shall be signed by the Secretary or his designee of the Department of Finance. Any monies received from the premium and accrued interest on the sale of said Bonds and Notes shall be deposited to the credit of the General Fund.

Section 5. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act and for each subsequent fiscal year or Biennium, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of the Bonds (or notes which are not funded by the issuance of Bonds) issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by Constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said Bonds and payment of interest thereon.

Approved November 16, 1971.

CHAPTER 327

FORMERLY HOUSE  
BILL NO. 573

**AN ACT TO AMEND CHAPTER 13, PART 1, TITLE 14 OF THE  
DELAWARE CODE RELATING TO SALARIES AND  
WORKING CONDITIONS OF SCHOOL EMPLOYEES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend § 1323, Chapter 13, Part 1, Title 14 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

**§ 1323. Maternity leave**

It is the purpose of this section to indicate certain requirements of all pregnant teachers, and the terms under which return to employment shall be guaranteed to a female teacher who is absent from duty because of pregnancy.

(a) Maternity leave must be requested, granted and used by any teacher who is pregnant during the term of her contract with a reorganized school district.

(b) Request for maternity leave must be presented in writing to the Board of Education of a reorganized school district no later than the end of the fifth month of pregnancy.

(c) The effective date for the beginning of the leave-of-absence from school shall be a date determined by the Board of Education of the school district in accordance with subsection (d) of this section. The Board shall be advised by the attending physician of the teacher, or such other physician as may be approved by the Board.

(d) The period of leave requested and granted for maternity leave shall be for a period of at least twelve weeks, beginning on a date recommended by the attending physician as being approximately six weeks prior to the anticipated date for the birth of the child and shall extend for a period of six weeks following

the birth of the child; except that the Board of Education of a reorganized school district may require that the period of the leave encompass one recognized period of school programming, such as a semester, quarter, or marking period, depending upon the organization of schools in the district. The district shall not require that the duration of the leave be for an entire school year of one hundred and eighty-five (185) teacher working days.

(e) Absence on account of those illnesses associated with pregnancy, delivery, and recovery after delivery, shall not be recognized under provisions of § 1318 of this Title, relating to Sick-Leave.

(f) A teacher, who is the holder of a regular certificate as defined in Rules and Regulations of the State Board of Education and who qualified for benefits described in Delaware Code, Title 14, Chapter 14, and defined in § 1401, and § 1403, may request and shall be granted leave that extends until the first birthday of the child or the opening of the next regular school term after the first birthday of the child.

(g) As a condition to the granting of the maternity leave, the employee shall indicate to the Board of Education of the school district that she will, at the completion of the leave and on such date as is determined by the Board, return to regular employment in the district; or she shall resign from the position held, thus authorizing the Board to employ a regular full-time teacher.

(h) At the end of any maternity leave the professional employee shall be accepted into full-time employment by the leave-granting Board and assigned to the same or a similar position to the one from which leave was granted. In no case may assignment be made so as to invalidate the professional employee's certification status or to bring about a demotion in position or salary.

(i) The period of absence for maternity leave shall not be counted in the determination of experience, salary, or pension eligibility and computation time.

(j) No state funds shall be used for any payment of salaries to persons on leave under the provisions of this section.

Section 2. The provisions of this Act shall become effective upon signature by the Governor.

Approved January 20, 1972.

## CHAPTER 328

FORMERLY SENATE  
BILL NO. 524

**AN ACT TO AMEND CHAPTER 320, VOLUME 57, LAWS OF DELAWARE BY CHANGING THE TERMINATION DATE OF 1970 to 1971 OF AN ACT ENTITLED "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEYS TO THE STATE BOARD OF EDUCATION."**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all members elected to each branch thereof concurring therein):*

Section 1. Amend Chapter 320, Volume 57, Laws of Delaware, by adding after the figure "1970" as it appears in the second paragraph of Section 1 thereof the word and figure "and 1971."

Approved January 20, 1972.

CHAPTER 329

FORMERLY SENATE  
BILL NO. 264

**AN ACT TO AMEND CHAPTER 11, TITLE 12 OF THE  
DELAWARE CODE RELATING TO THE ESCHEAT OF  
POSTAL SAVINGS SYSTEM ACCOUNTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 11, Title 12 of the Delaware Code, by adding thereto a new subchapter to be known and designated as Subchapter IV, which new Subchapter shall read as follows:

**SUBCHAPTER IV.  
ESCHEAT OF POSTAL SAVINGS SYSTEM ACCOUNTS**

**§ 1195. Declaration of escheat**

All Postal Savings System Accounts created by the deposits of persons whose last known addresses are in this State which have not been claimed by the persons entitled thereto before June 1, 1971 are presumed to have been abandoned by their owners and are declared to escheat and become the property of the State of Delaware.

**§ 1196. Obtaining information on accounts**

The Secretary of State shall request from the Bureau of Accounts of the United States Treasury Department records providing the following information:

1. The names of depositors at the post offices of this State whose accounts are unclaimed;
2. The last known addresses of such persons, as shown by the records of the Post Office Department; and
3. The balance remaining in each account, as shown by the records of the Post Office Department.

The Secretary of State shall agree to return to the Bureau of Accounts, promptly, all account cards showing last addresses in another state.

**§ 1197. Proceeding to adjudicate escheat**

The Secretary of State may bring proceedings in the U.S. District Court to escheat unclaimed Postal Savings System accounts held by the United States Treasury Department. A single proceeding may be used to escheat as many accounts as may be available for escheat at one time.

**§ 1198. Notice**

The Secretary of State shall notify depositors whose accounts are to be escheated, as follows:

1. A letter advising that a Postal Savings System account in the name of the addressee is about to be escheated and setting forth the procedure by which a deposit may be claimed, shall be mailed by first-class mail to the named depositor at the last address shown on the account records for each account to be escheated having an unpaid principal balance of more than twenty-five dollars (\$25.00).

2. General notice of intention to escheat Postal Savings System accounts shall be published once in each of three successive weeks in one or more newspapers which combine to provide general circulation throughout the State of Delaware.

3. Special notice of intention to escheat the unclaimed Postal Savings System accounts originally deposited in each post office must be published once in each of three successive weeks in a newspaper published in the county in which the post office is located. Such notice must list the names of the owners of each unclaimed account to be escheated if the account has a principal balance of three dollars (\$3.00) or more.

**§ 1199. Collection and deposit of funds**

The Secretary of State shall present a copy of each final judgment of escheat to the United States Treasury Department for payment of the principal due and the interest computed under

regulations of the United States Treasury Department. The payment received shall be deposited in the General Fund in the State Treasury.

This State shall indemnify the United States for any losses suffered as a result of the escheat of unclaimed Postal Savings System accounts. The burden of the indemnification falls upon the fund into which the proceeds of the escheated accounts have been paid.

Approved January 24, 1972.

## CHAPTER 330

FORMERLY SENATE BILL  
NO. 333 AS AMENDED BY  
SENATE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 26, TITLE 24, DELAWARE  
CODE, RELATING TO PHYSICAL THERAPY.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2601, Chapter 26, Title 24, Delaware Code, is amended by striking the definition of "Physical Therapist" and substituting in lieu thereof the following:

"Physical Therapist" means a person who practices physical therapy.

Section 2. § 2606, Chapter 26, Title 24, Delaware Code, is amended by striking said section in its entirety and substituting in lieu thereof the following:

**§ 2606. Limitations for practicing Physical Therapy**

No person shall practice nor in any way hold himself out as being able to practice physical therapy in this state unless duly registered in accordance with the provisions of this chapter; provided, however, that nothing in this Chapter shall prohibit any person licensed in this State under any other Chapter from engaging in the practice for which he is licensed. Provided, further, that nothing contained in this chapter shall be deemed to prevent any licensed physician from delegating physical therapy treatment to an assistant under the supervision of such physician who is responsible for such treatment, nor shall it be deemed to permit a Physical Therapist to treat any person who is ill or injured, except on the prescription of a physician.

Section 3. § 2607 and § 2612, Chapter 26, Title 24, Delaware Code, are amended by striking "\$15" wherever it may appear and substituting in lieu thereof "\$25."

Section 4. § 2609 (b), Chapter 26, Title 24, Delaware Code, is repealed.

Section 5. § 2610, Chapter 26, Title 24, Delaware Code, is amended by striking said section in its entirety and substituting in lieu thereof the following:

**§ 2610. Endorsement**

The Board may issue a certificate of registration in physical therapy without examination to an applicant who presents evidence satisfactory to the Board of having been licensed or certified as a physical therapist in another State, territory, or foreign country with standards determined by the Board to be as high as those of this State. At the time of making application, such applicant shall pay to the secretary-treasurer of the Board a fee of \$25.

Approved January 24, 1972.

## CHAPTER 331

FORMERLY HOUSE BILL  
NO. 230 AS AMENDED BY  
HOUSE AMENDMENT NO. 1**AN ACT TO AMEND SUBCHAPTER 1 OF CHAPTER 7, TITLE  
7, DELAWARE CODE, CREATING A HUNTING SEASON  
DURING WHICH PRIMITIVE WEAPONS MAY BE USED.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Chapter 7, Section 704, Title 7, Delaware Code, by adding thereto a new subsection to be designated as subsection (g) to read as follows:

(g) Notwithstanding any other provision of Section 704, it shall be lawful to use the muzzle loading rifle only during the primitive weapon season, as established by the Department of Natural Resources and Environmental Control, to take, pursue or attempt to take protected wildlife subject to the same requirements of law applicable to taking, pursuing or attempting to take protective wildlife by other means, except that it shall be unlawful to use the muzzle loading rifle to take, pursue or attempt to take deer during such period when it shall be lawful to do so by shotgun. No persons shall use or have in his possession or under his control while hunting any multi-projected loads (buck and ball), explosive bullets or any balls smaller than .42 caliber.

No person shall hunt, pursue, kill, take or attempt to hunt, pursue, kill or take deer during the primitive weapon season shall have in his possession while engaged therein any weapon or firearm except a muzzle loading rifle or long bow. (A muzzle loading rifle is defined as a gun which is loaded through the muzzle, having fine rifling in the barrel, shooting a round patched ball or minie ball, propelled by 100 grains or less of black powder and ignited by a piece of flint or external percussion cap having minimum bore of .42 inches and having minimum barrel length of 30 inches.)

Section 2. Upon the effective date of this Act, all statutory provisions or regulations in conflict with this Act shall be of no effect.

Approved January 24, 1972.

## CHAPTER 332

FORMERLY HOUSE BILL  
NO. 585 AS AMENDED BY  
HOUSE AMENDMENTS NO. 1 AND 2

**AN ACT TO AMEND CHAPTER 83, TITLE 11 DELAWARE  
CODE, RELATING TO SALARIES FOR STATE POLICE  
AND STATE POLICE PENSIONS AND MAKING A  
SUPPLEMENTARY APPROPRIATION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Chapter 83, Section 8303, Title 11,  
Delaware Code, by striking said section in its entirety and  
substituting in lieu thereof the following new section:

**§ 8303. Salaries**

Each of the State Police shall receive a salary in accordance  
with the following State Police compensation schedule:

[See table next page]

PROPOSED STATE POLICE COMPENSATION SCHEDULE

Year of Service	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15/16	17/18	19/20						
Trooper	8,000	8,600	8,885	9,170	9,455	9,740	10,025	10,310	10,595	10,880	11,165	11,450	11,735	12,020	12,305	12,590	12,875	13,160	13,445	13,730	13,730		
Trooper 1/C	9,455	9,740	10,025	10,310	10,595	10,880	11,165	11,450	11,735	12,020	12,305	12,590	12,875	13,160	13,445	13,730	13,730	13,730	13,730	13,730	13,730	13,730	
Corporal	10,595	10,880	11,165	11,450	11,735	12,020	12,305	12,590	12,875	13,160	13,445	13,730	13,730	13,730	13,730	13,730	13,730	13,730	13,730	13,730	13,730	13,730	
Sergeant	11,450	11,735	12,020	12,305	12,590	12,875	13,160	13,445	13,730	13,730	13,730	13,730	13,730	13,730	13,730	13,730	13,730	13,730	13,730	13,730	13,730	13,730	
Lieutenant	13,500	13,825	14,150	14,475	14,800	15,125	15,450	15,775	16,100	16,425	16,750	17,075	17,400	17,725	18,050	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375
Captain	14,475	14,800	15,125	15,450	15,775	16,100	16,425	16,750	17,075	17,400	17,725	18,050	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375
Staff Captain	16,100	16,425	16,750	17,075	17,400	17,725	18,050	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375
Major	16,750	17,075	17,400	17,725	18,050	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375	18,375

SUPERINTENDENT - \$21,000 prior to 17 years of service and \$23,000 thereafter.

DEPUTY SUPERINTENDENT - \$19,000 prior to 17 years of service and \$20,500 thereafter.

Years service commenced as of January 1 or July 1 of each year.

Section 2. Amend Chapter 83, Section 8306, Title 11, Delaware Code, by striking the last sentence in said section in its entirety beginning with the words "The Department" and ending with the words "training school."

Section 3. Amend subsection (a), Section 8323, Title 11, Delaware Code, by striking it in its entirety and by substituting a new subsection (a):

**§ 8323. Eligibility for pensions; employment of pension beneficiaries by the State; exceptions**

(a) Any member of the State Police who has served as such for a period of 20 years, or who has reached the age of 55 years, shall be retired and shall thereupon receive monthly, from the Fund, an amount equal to one-half of the monthly salary received by such member at the time of retirement; provided, however, that members of the State Police retired prior to January 1, 1972, shall as of that date receive an amount equal to one-half of the monthly salary provided under this Act for an active duty officer of equivalent rank. Thereafter, pensions of retired State Police shall not be recomputed based on the salaries of active-duty State Police; provided further, however, that as of July 1, 1974, the monthly amount payable to retirees shall increase on July 1 of each year by any cumulative percentage increase in the National Consumer Price Index Average of the previous calendar year, when that increase reflects a change in excess of two (2) per centum. A cumulative percentage decrease in any calendar year shall not result in any reduction in the pension rates; however, before any increases shall become effective in subsequent years, the National Consumer Price Index Average must rise at least two (2) per centum in excess of its level at the time of the last previous increase in benefits.

Section 4. Amend Section 8324, Title 11, Delaware Code, by striking the remainder of the first paragraph following and including the proviso which begins with the words "provided, however," immediately following the phrase "injury or disease" as the same appears in the fourth sentence of § 8324, and substituting in lieu thereof the following proviso:

"Provided, however, that members of the State Police who by reason of permanent injuries received in the performance of their

duties and who for that reason have retired prior to January 1, 1972, shall as of that date receive an amount equal to three-fourths of the monthly salary provided under this Act for an active duty officer of an equivalent rank in accordance with Section 8326 of this title. Thereafter, pensions of State Police retired by reason of permanent injuries received in the performance of their duties shall not be recomputed based on the salaries of active duty State Police; provided further, however, that members of the State Police retired by reason of injury not received in the performance of their duties or disease prior to January 1, 1972, shall as of that date receive an amount equal to one-half of the monthly salary provided under this Act for an active duty officer of equivalent rank in accordance with Section 8326 of this title. Thereafter, pensions of State Police members retired by reason of injury or disease shall not be recomputed based on the salaries of active duty State Police; provided further, however, that as of July 1, 1974, the monthly amount payable to State Police retired by reason of permanent injuries received in the performance of their duties and by State Police retired by reason of other injury or disease shall increase on July 1 of each year by any cumulative percentage increase in the National Consumer Price Index Average of the previous calendar year, when that increase reflects a change in excess of two (2) per centum. A cumulative percentage decrease in any calendar year shall not result in any reduction in the pension rates; however, before any increases shall become effective in subsequent years, the National Consumer Price Index Average must rise at least two (2) per centum in excess of its level at the time of the last previous increase in benefits.

Section 5. Amend Section 8325, Title 11, Delaware Code, by striking the proviso which begins with the words "provided, however," immediately following the words "18 years" as the same appears in the second sentence of Section 8325, and substituting in lieu thereof the following proviso:

"Provided, however, that anyone entitled to receive a pension under this section prior to January 1, 1972, shall as of that date receive an amount equal to three-fourths of the monthly payment to which his decedent would have been entitled under this Act had he died on or after January 1, 1972. Thereafter, pensions of those eligible under this section shall not be recomputed based on the salaries of active duty State Police; Provided further, however, that as of July 1, 1974, the monthly amount payable to those eligible

under this section shall increase on July 1 of each year by any cumulative percentage increase in the National Consumer Price Index Average of the previous calendar year, when that increase reflects a change in excess of two (2) per centum. A cumulative percentage decrease in any calendar year shall not result in any reduction in the pension rates; however, before any increases shall become effective in subsequent years, the National Consumer Price Index Average must rise at least two (2) per centum in excess of its level at the time of the last previous increase in benefits."

Section 6. Amend Section 8326, Title 11, Delaware Code, by striking the seventh sentence in its entirety and further striking the period (.) following the word "subchapter" at the end of the sixth sentence and substituting in lieu thereof the following:

"Provided, however, that any retired police member entitled to receive a pension under this section prior to January 1, 1972, shall, as of that date, receive an amount equal to one-half the monthly salary provided under this Act for an active duty officer of the same rank as that held by the retired State Police member. Thereafter, pensions of retired State Police members eligible to receive such pensions under this section shall not be recomputed based on the salaries of active duty State Policemen. A dependent entitled to receive a payment under this section prior to January 1, 1972, shall as of that date receive an amount equal to one-half the monthly salary provided under this Act to an active duty officer of the same rank as the decedent through whom he claims. Thereafter, pensions of dependents eligible to receive payments under this section shall not be recomputed based on the salaries of active duty State Police members.

Provided further, that as of July 1, 1974, the monthly amount payable to those eligible to receive payments under this section shall increase on July 1 of each year by any cumulative percentage increase in the National Consumer Price Index Average of the previous calendar year, when that increase reflects a change in excess of two (2) per centum. A cumulative percentage decrease in any calendar year shall not result in any reduction in the pension rates; however, before any increases shall become effective in subsequent years, the National Consumer Price Index Average must rise at least two (2) per centum in excess of its level at the time of the last previous increase in benefits."

Section 7. There is appropriated the sum of Four Hundred Fifty-One Thousand Dollars (\$451,000) to the Department of Public Safety for the fiscal year beginning July 1, 1971, for the purpose of carrying out the provisions of this Act.

Section 8. This is a supplemental appropriation act and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware out of monies not otherwise appropriated. Any monies hereby appropriated and not expended by the Department of Public Safety for the purposes of carrying out the provisions of this Act shall revert to the General Fund on June 30, 1972.

Section 9. Sections 1, 2, 3, 4, 5, and 6 of this act shall take effect when the Governor issues an executive order stating that the compensation schedules in section 1 hereof can be effectuated under federal law or regulations pursuant thereto. The compensation schedules set forth in section 1 shall from and after the issuance of the said executive order be deemed to have taken effect January 1, 1972, for purposes of the computation of all payments under this act on and after that date.

Section 10. If any provision of this Act, or of any rule, regulation, or order promulgated thereunder, or the application of any such provisions, regulation, or order to any person or circumstances shall be held invalid, the remainder of this Act or any regulations or order promulgated pursuant thereto or the application of such provision, regulations, or order to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Section 11. From and after the date on which the Governor signs this act, all active-duty members of the State Police shall receive pay increases retroactive to January 1, 1972, which shall be computed as follows: each active-duty member shall receive fourteen thirty-thirds ( $14/33$ ) of the increase which he would have received under section 1 of this act over what an active-duty member of his current rank and longevity was entitled to receive on December 31, 1971.

Section 12. If at any time between the date on which this act is signed into law and the date on which the Governor signs an executive order pursuant to section 9 hereof, federal law or

regulations pursuant thereto permit a further pay increase for active-duty State Police above the increases provided for in Section 11 hereof but not sufficient fully to effectuate the schedules set forth in section 1 hereof, then each active-duty State Police member shall receive an increase in pay (retroactive to January 1, 1972, if allowed) to be computed by multiplying the increase that the active-duty member would be entitled to receive under section 1 hereof over what an active-duty member of his current rank and longevity would have been entitled to on December 31, 1971, by the following fraction:

$$\frac{2 A *}{33}$$

\*A = newly allowed percentage increase in total active-duty State Police payroll using the amount of such payroll on December 31, 1971, as a base.

Approved January 27, 1972.

## CHAPTER 333

FORMERLY SENATE BILL  
NO. 395 AS AMENDED BY  
SENATE AMENDMENT NO. 1  
AND HOUSE AMENDMENT NO. 1AN ACT TO AMEND TITLE 11, DELAWARE CODE, SUB-  
CHAPTER XLII, SECTION 757, RELATING TO WIRE-  
TAPPING BY AUTHORIZING WIRETAPPING AND ELEC-  
TRONIC SURVEILLANCE IN CERTAIN SPECIFIED  
CASES.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 11, Delaware Code, Subchapter XLII, Section 757 is amended by deleting said section in its entirety and inserting in lieu thereof a new Section 757 to read as follows:

**§ 757. Wiretapping and Electronic Surveillance**

(a) As used in this section:

“Wire communication” means any communication made in whole or in part through the use of facilities for the transmission of communications by wire, cable or other like connection between the point of origin and the point of reception furnished or operated by a telephone, telegraph or radio company for hire as a communication common carrier;

“Oral communication” means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation;

“Intercept” means the aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical, or other device;

“Intercepting device” means any electronic, mechanical or other device or apparatus that can be used to intercept a wire or oral communication other than;

(1) Any telephone or telegraph instrument, equipment or facility, or any component thereof, furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or being used by a communication common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties;

(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal;

“Person” means a human being who has been born and is alive, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality and includes any officer or employee of the State of a political subdivision thereof;

“Investigative or law enforcement officer” means any officer of the State of Delaware or of a political subdivision thereof who is empowered by law to conduct investigations of, or to make arrests for, any offense enumerated in this section and any attorney authorized by law to prosecute or participate in the prosecution of any such offense;

“Contents”, when used with respect to any wire or oral communication, includes any information concerning the identify of the parties to such communication or the existence, substance, purport, or meaning of that communication;

“Court of competent jurisdiction” means the Superior Court of this State;

“Judge”, when referring to a judge authorized to receive applications for, and to enter, orders authorizing interceptions of wire or oral communications, means one or more of the several judges of the Superior Court to be designated from time to time by the President Judge of the Superior Court to receive applications for, and to enter, orders authorizing interceptions of wire or oral communications pursuant to this section;

“Communication common carrier” means any person engaged as a common carrier for hire, in intrastate, interstate or foreign

communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy; but a person engaged in radio broadcasting shall not, while so engaged, be deemed a common carrier;

“Aggrieved person” means a person who was a party to any intercepted wire or oral communication or a person against whom the interception was directed.

(b) Except as otherwise specifically provided in this section or otherwise by law, any person who:

(1) Willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire or oral communication; or

(2) Willfully discloses or endeavors to disclose to any other person the contents of any wire or oral communication, or evidence derived therefrom, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication in violation of this Section; or

(3) Willfully uses or endeavors to use the contents of any wire or oral communication, or evidence derived therefrom knowing or having reason to know, that the information was obtained through the interception of a wire or oral communication in violation of this section; shall be guilty of a felony and shall be imprisoned for not more than 7 years or fined in such amount as the Court may determine, or both.

In any prosecution for a gambling offense, evidence that a police officer, when making an arrest or executing a search warrant, for a gambling offense, or in connection with a gambling offense, received or overheard telephone messages intended for the accused or an associate of the accused which tend to prove that gambling activity was being conducted, is admissible. The gathering and disclosure of such evidence, including the contents of the telephone messages received or overheard, does not violate any law of this State.

(c) It shall not be unlawful under this section for:

(1) An operator of a switchboard, or an officer, agent or

employee of a communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier or such communication. No communication common carrier shall utilize service observing or random monitoring except for mechanical or service quality control checks;

(2) A person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortuous act in violation of the Constitution or laws of the United States or of this State or for the purpose of committing any other injurious act.

(d) Except as otherwise specifically provided in this section, any person who:

(1) Willfully possesses, sells, distributes, manufacturers or assembles an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication; or

(2) Willfully places in any newspaper, magazine, handbill, or other publication any advertisement of any intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication or of any intercepting device where such advertisement promotes the use of such device for the purpose of the surreptitious interception of a wire or oral communication; shall be guilty of a felony, and shall be imprisoned for not more than 7 years, or fined in such amount as the Court shall determine, or both.

(e) It shall not be unlawful under this section for:

(1) A communication common carrier or an officer, agent or employee of, or a person under contract with a communication common carrier, in the usual course of the communication common carrier's business; or

(2) A person under contract with the United States, a state or a political subdivision thereof, or an officer, agent, or employee of a state or a political subdivision thereof; to possess, sell, distribute, manufacture or assemble, or advertise any intercepting device, while acting in furtherance of the appropriate activities of the United States, a state or political subdivision thereof or a communication common carrier.

(f) Any intercepting device possessed, used, sent, distributed, manufactured, or assembled in violation of this section is hereby declared to be a nuisance and may be seized and forfeited to the State.

(g) The Attorney General may make application to a judge designated to receive the same for an order authorizing or approving the interception of a wire or oral communication by the investigative or law enforcement officers or agency having responsibility for an investigation when such interception may provide evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, extortion, dealing in narcotic drugs, dangerous drugs, central nervous system depressant or stimulant drugs, or any felony or any conspiracy to commit any of the foregoing offenses or which may provide evidence aiding in the apprehension of the perpetrator of any of the foregoing offenses.

(h) Each application for an order authorizing or approving the interception of a wire or oral communication shall be made in writing upon oath or affirmation and shall state:

(1) The authority of the applicant to make such application;

(2) The identity of the investigative or law enforcement officers or agency for whom the authority to intercept a wire or oral communication is sought and the identity of whoever authorized the application;

(3) A particular statement of the facts relied upon by the applicant, including:

(i) The identity of the particular person, if known, committing the offense and whose communications are to be intercepted;

(ii) The details as to the particular offense that has been, is being, or is about to be committed;

(iii) The particular type of communication to be intercepted;

(iv) The nature and location of the particular wire communication facilities involved or the particular place where the oral communication is to be intercepted;

(v) A statement of the period of time for which the interception is required to be maintained; if the character of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular statement of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(vi) A full and complete statement as to whether or not other normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ;

(4) Where the application is for the renewal or extension of an order, a particular statement of facts showing the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results;

(5) A statement of all previous applications, known to the individual authorizing and to the individual making the application, made to any court for authorization to intercept a wire or oral communication involving any of the same facilities or places specified in the application or involving any person whose communication is to be intercepted, and the action taken by the court on each such application; and

(6) Such additional testimony or documentary evidence in support of the application as the judge may require.

(i) Upon consideration of an application, the judge may enter an *ex parte* order, as requested or as modified, authorizing or approving the interception of wire or oral communications, if the

court determines on the basis of the facts submitted by the applicant that there is or was probable cause for belief that:

(1) The person whose communication is to be intercepted is engaging or was engaged over a period of time as a part of a continuing criminal activity or is committing, has or had committed or is about to commit an offense as provided in subsection (g) of this section;

(2) Particular communications concerning such offense may be obtained through such interception;

(3) Normal investigation procedures with respect to such offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ; and

(4) The facilities from which, or the place where, the wire or oral communications are to be intercepted, are or have been used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by, such person.

(j) If the facilities from which, or the place where, the wire or oral communications are to be intercepted are being used, or are about to be used, or are leased to, listed in the name of, or commonly used by an attorney-at-law, or practicing clergyman, or is a place used primarily for habitation by a husband and wife, no order shall be issued unless the court, in addition to the matters provided in subsection (i) above, determines that there is a special need to intercept wire or oral communications over such facilities or in such places. No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this section, shall lose its privileged character.

(k) Each order authorizing or approving the interception of any wire or oral communication shall state:

(1) The judge is authorized to issue the order;

(2) The identity of, or a particular description of, the person, if known, whose communications are to be intercepted;

(3) The nature and location of the communication facilities

as to which, or the place of the communication as to which, authority to intercept is granted;

(4) A particular description of the type of the communication to be intercepted and a statement of the particular offense to which it relates;

(5) The identity of the investigative or law enforcement officers or agency to whom the authority to intercept a wire or oral communication is given and the identity of whoever authorized the application; and

(6) The period of time during which such interception is authorized; including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

No order entered under this section shall authorize the interception of any wire or oral communication for a period of time in excess of that necessary under the circumstances. Every order entered under this section shall require that such interception begin and terminate as soon as practicable and be conducted in such a manner as to minimize or eliminate the interception of such communications not otherwise subject to interception under this section. In no case shall an order entered under this section authorize the interception of wire or oral communications for any period exceeding 30 days. Extensions or renewals of such an order may not be granted unless an application for it is made in accordance with this section, and the Court makes the findings required by subsections (i), (j) and this subsection.

Whenever an order authorizing an interception is entered, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the judge may require.

(l) Whenever, upon informal application by an authorized applicant, any Judge of the Superior Court determines there are grounds upon which an order could be issued pursuant to this section and that an emergency situation exists with respect to the

investigation of conspiratorial activities of organized crime, related to an offense designated in subsection (g) of this section, dictating authorization for immediate interception of wire or oral communication before an application for an order could with due diligence be submitted to him and acted upon, the judge may grant written approval for such interception without an order, conditioned upon the filing with him, within 48 hours, thereafter, of an application for an order which, if granted, shall recite the written approval and be retroactive to the time of such written approval. Such interception shall immediately terminate when the communication sought is obtained or when the application for an order is denied. In the event no application for an order is made, the content of any wire or oral communication intercepted shall be treated as having been obtained in violation of this section.

In the event no application is made or an application made pursuant to this section is denied, the court shall require the wire, tape or other recording of the intercepted communication to be delivered to, and sealed by, the court and such evidence shall be retained by the court in accordance with subsection (m) and the same shall not be used or disclosed in any legal proceeding except in a civil action brought by an aggrieved person pursuant to subsection (w) or as otherwise authorized by court order. Failure to effect delivery of any such wire, tape or other recording shall be punishable as contempt by the court directing such delivery. Evidence of written authorization to intercept an oral or wire communication shall be a defense to any charge against the investigating or law enforcement officer for engaging in unlawful interception.

(m) The contents of any

(1) wire or oral communication intercepted in accordance with this section shall, if practicable, be recorded by tape, wire or other comparable method. The recording shall be done in such a way as will protect it from editing or other alteration. Immediately upon the expiration of the order or extensions or renewals thereof, the tapes, wires or other recordings shall be transferred to the Judge issuing the order and sealed under his direction. Custody of the tapes, wires or other recordings shall be maintained wherever the court directs. They shall not be destroyed except upon an order of such court and in any event shall be kept for 10

years. Duplicate tapes, wires or other recordings may be made for disclosures or use pursuant to subsection (o) of this section. The presence of the seal provided by this section, or a satisfactory explanation for its absence, shall be a prerequisite for the disclosure of the contents of any wire or oral communication, or evidence derived therefrom, under subsection (p) of this section.

(2) Applications made and orders granted pursuant to this section and supporting papers shall be sealed by the court and shall be held in custody as the court shall direct and shall not be destroyed except on order of the court and in any event shall be kept for 10 years. They may be disclosed only upon a showing of good cause before a court of competent jurisdiction.

Any violation of the provisions of this subsection may be punished as contempt of the issuing or denying court.

(n) Within a reasonable time but not later than 90 days after the termination of the period of the order or of extensions or renewals thereof, or the date of the denial of an order applied for under subsection (1), the issuing or denying judge shall cause to be served on the person named in the order or application, and such other parties to the intercepted communications as the judge may in his discretion determine to be in the interest of justice, an inventory which shall include:

(1) Notice of the entry of the order or the application for an order denied under subsection (1);

(2) The date of the entry of the order or the denial of an order applied for under subsection (1);

(3) The period of authorized or disapproved interception; and

(4) The fact that during the period wire or oral communications were or were not intercepted.

The court, upon the filing of a motion, may in its discretion make available to such person or his attorney for inspection such portions of the intercepted communications, applications and orders as the court determines to be in the interest of justice. On an *ex parte* showing of good cause to the court the serving of the inventory required by this subsection may be postponed.

(o) (1) Any investigative or law enforcement officer who, by any means authorized by this section, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose such contents or evidence to another investigative or law enforcement officer to the extent that such disclosure or use is appropriate to the proper performance of his official duties.

(2) Any investigative or law enforcement officer who, by any means authorized by this section, has obtained knowledge of the contents of any wire or oral communications or evidence derived therefrom may use such contents to the extent such use is appropriate to the performance of his official duties.

(p) Any person who, by any means authorized by this section, has obtained any information concerning any wire or oral communication or evidence derived therefrom intercepted in accordance with the provisions of this section, may disclose the contents of such communication or derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court of this or another State or of the United States or before any Federal or State grand jury.

(q) When an investigative or law enforcement officer, while engaged in intercepting wire or oral communications in the manner authorized herein, intercepts wire or oral communications relating to offenses other than those specified in the order or authorization, the contents thereof and evidence derived therefrom may be disclosed or used as provided in subsection (o). Such contents and any evidence derived therefrom may be used under subsection (p) when authorized or approved by a judge of competent jurisdiction where such judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of this section. Such application shall be made as soon as practicable.

(r) Except as specifically authorized pursuant to this section any person who uses or discloses the existence of an order authorizing interception of a wire or oral communication or the contents of, or information concerning, an intercepted wire or oral communication or evidence derived therefrom, is guilty of a misdemeanor, and shall be imprisoned no more than 1 year, or fined in such amount as the Court shall determine, or both.

(s) The contents of any wire or oral communication intercepted in accordance with the provisions of the section, or evidence derived therefrom, shall not be disclosed in any trial, hearing, or proceeding before any court of this State unless not less than 10 days before the trial, hearing, or proceeding the parties to the action have been served with a copy of the order and accompanying application under which the interception was authorized.

This ten-day period may be waived by the judge if he finds that it was not possible to furnish the party with the above information 10 days before the trial, hearing or proceeding, and that the party will not be prejudiced by the failure to make the service.

(t) Any aggrieved person in any trial, hearing, or proceeding in or before any court or other authority of this State or political subdivision thereof may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that:

- (1) The communication was unlawfully intercepted;
- (2) The order of authorization is insufficient on its face;
- (3) The interception was not made in conformity with the order of authorization.

The motion shall be made at least 10 days before the trial, hearing or proceeding unless there was no opportunity to make the motion or the moving party was not aware of the grounds for the motion. The court, upon the filing of such motion by the aggrieved person, may in his discretion make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication, or evidence derived therefrom, as the court determines to be in interests of justice. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall not be received in evidence in the trial, hearing or proceeding, and shall be treated as having been obtained in violation of this section.

In addition to any other right to appeal, the State shall have the right to appeal from an order granting a motion to suppress if

the official to whom the order authorizing the intercept was granted shall certify to the court that the appeal is not taken for purposes of delay. The appeal shall be taken within the time specified by the Rules of Court and shall be diligently prosecuted.

(u) Within 30 days after the expiration of an order or an extension or renewal thereof entered under this section or the denial of an order confirming verbal approval of interception, the issuing or denying-judge shall make a report to the President Judge of the Superior Court stating that:

(1) An order, extension or renewal was applied for;

(2) The kind of order applied for;

(3) The order was granted as applied for, was modified, or was denied;

(4) The period of the interceptions authorized by the order, and the number and duration of any extensions or renewals of order;

(5) The offense specified in the order, or extension or renewal of an order;

(6) The identity of the person authorizing the application and of the investigative or law enforcement officer and agency for whom it was made; and

(7) The character of the facilities from which or the place where the communications were to be intercepted.

(v) The Attorney General, or Deputy Attorney General specifically designated by the Attorney General shall make and file all reports required by federal law.

(w) Any person whose wire or oral communication is intercepted, disclosed or used in violation of this section shall have a civil cause of action against any person who intercepts, discloses or uses or procures any other person to intercept, disclose or use, such communication; and shall be entitled to recover from any such person;

(1) Actual damages, but not less than liquidated damages computed at the rate of \$100.00 a day for each day of violation, or \$1,000.00 whichever is higher;

(2) Punitive damages; and

(3) A reasonable attorney's fee and other litigation costs reasonably incurred.

A good faith reliance on a court order authorizing the interception shall constitute a complete defense to a civil or criminal action brought under this section or to administrative proceedings brought against a law enforcement officer.

(x) (1) The Superior Court shall have the power to make rules to carry the provisions of this Section into effect.

(2) The Superior Court shall have exclusive original jurisdiction of any criminal violations of this section.

Section 2. Any action, case, prosecution, trial or proceeding in progress under or pursuant to the previous wording of the section amended by this Act, no matter what stage of the proceeding shall be preserved and shall not become illegal or terminated upon the effective date of this act. For purposes of such proceedings in progress, the prior law shall remain in full force and effect. Any violation of the previous section shall within the limits of the statute of limitations, be prosecuted under that section.

Section 3. If any subsection, phrase, sentence, words or word or the application thereof to any person or circumstances be declared unconstitutional any other subsections, phrases, sentences, words or word or other persons or circumstances shall not be affected thereby and shall remain in full force and effect.

Approved January 28, 1972.

CHAPTER 334

FORMERLY SENATE  
BILL NO. 82

**AN ACT TO AMEND CHAPTER 52, TITLE 30, OF THE  
DELAWARE CODE, RELATING TO EXEMPTIONS IN  
RECIPROCAL AGREEMENTS FROM THE APPLICATION  
OF THE MOTOR CARRIER FUEL PURCHASE LAW  
PROVISIONS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Section 5225, Title 30, of the Delaware Code, by striking the second paragraph of said section in its entirety.

Approved January 29, 1972.

CHAPTER 335  
FORMERLY SENATE  
BILL NO. 493

**AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 11, TITLE  
28. OF THE DELAWARE CODE RELATING TO BINGO  
LIMITATIONS AND REGULATIONS UNDER LICENSE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend paragraph (a), Section 1139, Chapter 11,  
Title 28, of the Delaware Code, by striking said paragraph in its  
entirety, and substituting in lieu thereof a new paragraph (a),  
which shall read as follows:

“(a) Games conducted on Sunday shall not commence prior  
to 1:30 p.m.”

Approved January 29, 1972.

CHAPTER 336  
FORMERLY SENATE  
BILL NO. 498

**AN ACT TO AMEND CHAPTER 86, TITLE 29 OF THE  
DELAWARE CODE, RELATING TO POWERS, DUTIES,  
AND FUNCTIONS OF THE DEPARTMENT OF CON-  
SUMER AFFAIRS IN REGULATING MOBILE HOME  
PARKS.**

Section 1. Amend Section 8612 (a) (1), Title 29, Delaware Code, by striking the period at the end of the first sentence and adding thereafter the following: "and Subchapter 11, Chapter 51, Title 25."

Approved January 29, 1972.

## CHAPTER 337

**FORMERLY HOUSE BILL  
NO. 472 AS AMENDED BY  
HOUSE AMENDMENT No. 1****AN ACT TO AMEND SECTION 9115, CHAPTER 91, TITLE 9,  
DELAWARE CODE, RELATING TO BONDS FOR THE  
REGISTERS IN CHANCERY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 9115, Chapter 91, Title 9, Delaware Code, is amended by striking the first sentence of subsection (a) in its entirety and inserting in lieu thereof the following:

Every Register in Chancery elected or appointed for either county, shall, before entering upon the duties of his office, become bound to the State with sufficient surety to be approved by the Court of Chancery by a joint and several obligation in the penal sum of \$300,000 for the Register in Chancery of New Castle County and in the penal sum of \$25,000 for the Register in Chancery for Kent and Sussex Counties. The cost of said bonds are to be paid by the State. The bonds are on the condition that if the Register shall upon request to him made for that purpose, well and truly pay or cause to be paid to the several suitors and parties interested, their executors or administrators, according to the order of the Court of Chancery, all and every sum and sums of money to them respectively ordered to be paid by the Court, which shall have been deposited or paid into Court by the authority or order of the Court; and shall pay over to his successor in office all such money remaining in his hands, according to the order of the Court; and shall and do well and diligently execute the office, and duly and faithfully fulfill and perform all the trusts and duties to the office appertaining, and truly and without delay deliver to his successor in office the seal and all the books, records and papers belong to the office safe and undefaced and if the Register in Chancery shall truly and without delay pay over to the Receiver of Taxes and County Treasurer or Department of Finance all the fees which it shall be his duty to collect and which are to be paid to the Receiver of Taxes and County Treasurer or

Department of Finance, then this obligation shall be void and of no effect, or else shall remain in full force, and virtue.

Approved February 2, 1972.

## CHAPTER 338

FORMERLY HOUSE  
BILL NO. 554**AN ACT TO AMEND CHAPTER 94, VOLUME 55, LAWS OF DELAWARE, RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE CITY OF WILMINGTON.**

WHEREAS, HOUSE BILL NO. 503 of the 126th General Assembly, as amended by Senate Amendment No. 1 and House Amendment No. 2, appearing as Chapter 297, Volume 58, Laws of Delaware, increases the rate of the realty transfer tax levied by the State of Delaware from one per cent (1%) to two per cent (2%); and

WHEREAS, the City of Wilmington is empowered to levy a tax upon transfers of real estate within the City of Wilmington by Chapter 94, Volume 55, Laws of Delaware; and

WHEREAS, Section 7 of said Chapter 94, Volume 55, Laws of Delaware, limits the amount of the tax which may be levied by the City of Wilmington to the difference between the tax levied by the State of Delaware on the same property and two per cent (2%); and

WHEREAS, it was not the intent of the General Assembly to affect the power of the City of Wilmington to levy a tax on the transfer of real property by passage of House Bill No. 503, as amended by Senate Amendment No. 1 and House Amendment No. 2.

**NOW, THEREFORE;**

*Be it enacted by the General Assembly of the State of Delaware (Two-thirds of all the members elected to each Branch thereof concurring therein):*

Section 1. Section 7 of Chapter 94, Volume 55, Laws of Delaware, is amended by striking the phrase "two per cent (2%)" and substituting in lieu thereof the phrase "three per cent (3%)."

Section 2. The provisions of Section 1 of this Chapter shall be retroactive in effect to August 1, 1971.

Section 3. Nothing in this Chapter shall be construed to require the State of Delaware nor any municipality to refund any real estate transfer taxes collected by the State of Delaware or any such municipality.

Section 4. If any section, sentence, phrase or word of this Chapter or circumstances arising out of the application thereof shall be declared unconstitutional under the Constitution of the State of Delaware or the United States by a state or federal court of competent jurisdiction, the remainder of this Chapter shall be unimpaired and shall continue in full force and effect.

Approved February 2, 1972.

CHAPTER 339  
FORMERLY HOUSE  
BILL NO. 571

AN ACT TO AMEND AN ACT, BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" TO INCREASE THE AMOUNT WHICH MAY BE RAISED BY TAXATION ON REAL ESTATE TO SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$725,000).

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Subsection 30, Section 29-a, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out the words and figures "Four Hundred Seventy-five Thousand Dollars (\$475,000.00)" as they appear in said Subsection and substituting in lieu thereof "Seven Hundred Twenty-five Thousand Dollars (\$725,000.00)."

Approved February 2, 1972.

CHAPTER 340  
FORMERLY HOUSE  
BILL NO. 586

**AN ACT TO AMEND CHAPTER 48 AND CHAPTER 49, PART III, TITLE 9, OF THE DELAWARE CODE, RELATING TO THE KENT COUNTY ZONING COMMISSION AND THE KENT COUNTY REGIONAL PLANNING COMMISSION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend paragraph (a), Section 4904, Chapter 49, Title 9 of the Delaware Code, by striking the word "permanent" as the same appears in paragraph (a), and by adding a new paragraph (c) which shall read as follows:

Upon adoption of permanent zoning regulations by the Levy Court, the Zoning Commission shall cease to exist and the members of the Zoning Commission shall become voting members of and shall serve out their terms on the Kent County Regional Planning Commission. Upon expiration of the said original terms, reappointment or appointment of new members shall be in accordance with the terms established for members of the Regional Planning Commission. Following consolidation with the Zoning Commission, the Kent County Regional Planning Commission shall henceforth exercise all of the powers and duties herein set forth for the Zoning Commission.

Section 2. Amend § 4921, Chapter 49, Part III, Title 9 of the Delaware Code, by striking said Section in its entirety and re-numbering all succeeding sections accordingly.

Section 3. Amend § 4803, Chapter 48, Part III, Title 9 of the Delaware Code, by adding thereto a new paragraph, to be designated as paragraph (i), which new paragraph shall read as follows:

(i) Upon consolidation with the Zoning Commission, the Regional Planning Commission shall consist of nine voting members and four ex-officio members. Ex-officio members shall be the same as set forth in Subsection (a) of this Section. Of the

nine voting members eight shall be appointed by the Levy Court and one appointed by the Mayor and Council of the City of Dover.

Section 4. Amend paragraph (h), Section 4803, Chapter 48, Title 9 of the Delaware Code, by adding the following sentence to the end thereof:

Upon consolidation with the Zoning Commission, a quorum of no less than five voting members shall be necessary before the Commission shall take official action upon any matter before it for consideration.

Section 5. Amend paragraph (a), Section 4804, Chapter 48, Title 9 of the Delaware Code, by adding the following sentence at the end thereof:

Upon consolidation with the Zoning Commission and until the second Monday in July, a temporary Chairman shall be selected in accordance with the adopted rules for the transaction of business.

Approved February 2, 1972.

## CHAPTER 340

FORMERLY HOUSE  
BILL NO. 586**AN ACT TO AMEND CHAPTER 48 AND CHAPTER 49, PART III, TITLE 9, OF THE DELAWARE CODE, RELATING TO THE KENT COUNTY ZONING COMMISSION AND THE KENT COUNTY REGIONAL PLANNING COMMISSION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend paragraph (a), Section 4904, Chapter 49, Title 9 of the Delaware Code, by striking the word "permanent" as the same appears in paragraph (a), and by adding a new paragraph (c) which shall read as follows:

Upon adoption of permanent zoning regulations by the Levy Court, the Zoning Commission shall cease to exist and the members of the Zoning Commission shall become voting members of and shall serve out their terms on the Kent County Regional Planning Commission. Upon expiration of the said original terms, reappointment or appointment of new members shall be in accordance with the terms established for members of the Regional Planning Commission. Following consolidation with the Zoning Commission, the Kent County Regional Planning Commission shall henceforth exercise all of the powers and duties herein set forth for the Zoning Commission.

Section 2. Amend § 4921, Chapter 49, Part III, Title 9 of the Delaware Code, by striking said Section in its entirety and re-numbering all succeeding sections accordingly.

Section 3. Amend § 4803, Chapter 48, Part III, Title 9 of the Delaware Code, by adding thereto a new paragraph, to be designated as paragraph (i), which new paragraph shall read as follows:

(i) Upon consolidation with the Zoning Commission, the Regional Planning Commission shall consist of nine voting members and four ex-officio members. Ex-officio members shall be the same as set forth in Subsection (a) of this Section. Of the

nine voting members eight shall be appointed by the Levy Court and one appointed by the Mayor and Council of the City of Dover.

Section 4. Amend paragraph (h), Section 4803, Chapter 48, Title 9 of the Delaware Code, by adding the following sentence to the end thereof:

Upon consolidation with the Zoning Commission, a quorum of no less than five voting members shall be necessary before the Commission shall take official action upon any matter before it for consideration.

Section 5. Amend paragraph (a), Section 4804, Chapter 48, Title 9 of the Delaware Code, by adding the following sentence at the end thereof:

Upon consolidation with the Zoning Commission and until the second Monday in July, a temporary Chairman shall be selected in accordance with the adopted rules for the transaction of business.

Approved February 2, 1972.

CHAPTER 341

FORMERLY HOUSE  
BILL NO. 587

**AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE  
CODE, REGARDING ELIGIBILITY TO RECEIVE GEN-  
ERAL ASSISTANCE GRANTS THEREUNDER.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Section 503 (a), Title 31, Delaware Code, by inserting the words, "who is not employable," after the comma following the word "health" in the third line thereof.

Section 2. Amend Section 504, (4), Title 31, Delaware Code, by removing the final period thereof and by inserting the words, "and who are not employable" at the end thereof.

Section 3. Amend Section 501, Title 31, Delaware Code, by striking everything therein before the semicolon and by substituting the following for the stricken language:

"The purpose of this chapter is to promote the welfare and happiness of all the people of the State by providing public assistance to all of its needy, unemployable and distressed;"

Section 4. Amend Section 502, Title 31, Delaware Code, by adding thereto the following new definitions:

"Employable" refers to any person who:

- (1) Is between the ages of 18 and 54; and who
- (2) Is determined by the Department of Health and Social Services (pursuant to published regulations developed in consultation with the Department of Labor) to be physically and mentally able to work

"Unemployable" means not employable.

Approved February 2, 1972.

CHAPTER 342  
FORMERLY HOUSE  
BILL NO. 608

**AN ACT TO AMEND CHAPTER 11, PART II, TITLE 30,  
DELAWARE CODE, RELATING TO DEDUCTIONS FOR  
STATE INDIVIDUAL INCOME TAX PURPOSES FROM  
GROSS INCOME FOR INCOME TAXES PAID TO THE  
UNITED STATES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 1106 (b) Title 30, Delaware Code, is amended by deleting paragraph (3) in its entirety.

Section 2. Section 1107, Title 30, Delaware Code, is amended by numbering the present section as subsection (a) and by adding a new subsection (b) to read as follows:

(b) In addition to the standard deductions as provided by Section 1108 of this title, or the itemized deductions provided by Section 1109 of this title, the resident individual shall be allowed a deduction for the amount of income taxes paid to the United States, but not in excess of \$300 for a separate return, nor \$600 for a joint return.

Section 3. Subchapter III, Title 30, Delaware Code, is amended by adding a new Section 1127 to read as follows:

**§ 1127. Deductions for federal income taxes**

In addition to the standard deduction provided by Section 1123 of this title, or the itemized deductions provided by Section 1124 of this title, the nonresident individual shall be allowed a deduction for the amount of income taxes paid to the United States, but not in excess of \$300 for a separate return, nor \$600 for a joint return.

Section 4. The effective date of this act shall be January 1, 1971.

Approved February 2, 1972.

CHAPTER 343  
FORMERLY SENATE  
BILL NO. 513

**AN ACT TO AMEND CHAPTER 306, VOLUME 58, LAWS OF DELAWARE, ENTITLED "AN ACT TO FURTHER AMELIORATE THE FINANCIAL INTEGRITY OF THE STATE OF DELAWARE BY ELIMINATING, RESTRICTING, REDUCING IN WHOLE OR IN PART, OR POSTPONING CERTAIN PROGRAMS, PROJECTS AND VARIOUS EXPENDITURES PREVIOUSLY AUTHORIZED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE; TO DECREE CERTAIN BUDGETARY RESTRICTIONS AND PROCEDURES AND TO REPEAL, AMEND OR TEMPORARILY SUSPEND CERTAIN OTHER PERTINENT STATUTORY PROVISIONS" BY AUTHORIZING THE TRANSFER OF FUNDS BY THE OFFICE OF HUMAN RELATIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 306, Volume 58, Laws of Delaware, is amended by authorizing the transfer of funds by the Office of Human Relations (50-06-000) so that the item entitled "Salaries & Wages of Employees (9)" is reduced by \$2,250 and the item entitled "Salary of Director" is increased by \$2,250.

Approved February 2, 1972.

## CHAPTER 344

FORMERLY SENATE  
BILL NO. 522**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BLADES" TO REDUCE THE NUMBER OF COUNCILMEN TO BE ELECTED AT THE ANNUAL ELECTION IN MARCH.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each house thereof concurring therein):*

Section 1. Section 7 (b), Chapter 34, Volume 58, Laws of Delaware, is hereby amended by striking out all of said subsection (b) and substituting in lieu thereof the following:

(b) At the Annual Municipal Election to be held on the first Monday in March, two (2) Councilmen shall be elected to serve a term of two (2) years or until their respective successors shall be duly elected and qualified.

Approved February 2, 1972.

## CHAPTER 345

FORMERLY SENATE  
BILL NO. 534**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO  
THE COMMISSION ON INTERSTATE COOPERATION**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$2,500 is hereby appropriated to the Commission on Interstate Cooperation to be earmarked as follows:

Travel – Legislative	\$2,000
Travel – Other	<u>500</u>
TOTAL	\$2,500

Section 2. The funds appropriated shall be used only for the purposes specified and any funds hereby appropriated that remain unexpended on June 30, 1972, shall revert to the General Fund of the State of Delaware.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund from funds not otherwise appropriated.

Approved February 2, 1972.

CHAPTER 346  
FORMERLY HOUSE  
BILL NO. 596 AS  
AMENDED BY HOUSE  
AMENDMENT NO. 1

**AN ACT TO REPEAL THE RESTRICTIONS ON THE RIGHT TO CONTRACT WITH STATE EMPLOYEES IN 58 LAWS OF DELAWARE, CHAPTER 306, AND TO AMEND TITLE 14, DELAWARE CODE, TO PERMIT ANNUAL CONTRACTS FOR CERTAIN EMPLOYEES NOT TO BE ENTERED INTO PRIOR TO MAY FIRST OF THE FISCAL YEAR PRIOR TO THE FISCAL YEAR COVERED BY SUCH CONTRACT AND LONG TERM CONTRACTS FOR A LIMITED GROUP OF EMPLOYEES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend 58 Laws of Delaware, Chapter 306, Section 6 by striking the first and second paragraphs of said section and repealing the same in their entirety.

Section 2. Amend Title 14, Delaware Code, Section 1329, as effective June 1, 1971, by designating the single existing paragraph in said section as paragraph (b).

Section 3. Amend Title 14, Delaware Code, Section 1329, as effective June 1, 1971, by adding new paragraphs (a) and (c) to read as follows:

(a) The State Board of Education and the Boards of Education of the reorganized school districts may sign individual employment contracts involving state funds only with those professional employees whose base salary is that provided for in Title 14, Delaware Code, Section 1305. The salary amounts in the contracts so authorized shall be for one fiscal year, provided that contracts for administrative personnel covered in paragraph (b) of this section shall not be so limited.

(c) Salary amounts in individual employment contracts provided for in paragraph (a) of this Section shall not be

contracted for, agreed upon or effective prior to May 1 of the fiscal year immediately preceeding the beginning of the fiscal year during which the salary amount is to be received, except that for recruitment of new teachers to a reorganized school district contracts may be entered into at any time at the current year's state supported salary level for such teachers, provided that in the case of out of state teachers experience is to be computed at the same level as teachers within the state equally qualified. As of May first of any year, salary schedules shall be based on state supported salary schedules in existence at that time for the contracted year.

Approved February 3, 1972.

## CHAPTER 347

FORMERLY SENATE SUBSTITUTE  
BILL NO. 3 FOR SENATE BILL  
NO. 48 AS AMENDED BY  
SENATE AMENDMENTS NO. 1,2,3,4,5  
AND HOUSE AMENDMENT NO. 4

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO  
BORROW MONEY TO BE USED FOR CAPITAL IMPROVE-  
MENTS AND EXPENDITURES IN THE NATURE OF  
CAPITAL INVESTMENTS AND TO ISSUE BONDS AND  
NOTES THEREFORE AND APPROPRIATING THE  
MONIES TO VARIOUS AGENCIES OF THE STATE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each branch thereof concurring therein):*

Section 1. There is appropriated to the agencies of this State set forth in Section 7 hereof the sum of \$35,895,000 or so much thereof as may be necessary for carrying out the purposes of this Act, which shall be used for the purposes set forth in Section 7, Section 8, Section 9 and Section 10 of this Act.

Section 2. The funds appropriated by this Act may be used for the costs incidental to the uses set forth in Section 7, Section 8 and Section 10 of this Act, and are to include but not be limited to design, planning, land acquisition, acquisition of utility and service areas, construction, repairing, remodeling, equipping, landscaping, and inspection costs but are not to be used for ordinary or normal maintenance expense of highways, bridges or other properties except for that maintenance as outlined in Section 15 of this Act.

Section 3. None of the monies appropriated by this Act shall be expended before July 1, 1971. None of the monies appropriated by this Act shall be expended after June 30, 1974, on any of the individual projects authorized in the 1972 Annual Capital Projects Schedule unless such projects have progressed into any or all of the following phases prior to July 1, 1974.

### Initial Engineering, Planning, Procurement, Construction

Section 4. The said sum of \$35,895,000 or so much thereof as may be necessary for carrying out the purposes of this Act, shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code, and Chapter 75, Title 29, Delaware Code, where applicable. For purposes of identification, the bonds issued pursuant to this Authorization Act may be known, styled or referred to as "Capital Improvement Bonds of 1972."

Section 5. There is appropriated from the General Fund of the State such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any monies received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 6. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act and for each subsequent fiscal year or biennium, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of the bonds (or notes which are not to be funded by the issuance of bonds) issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Section 7. The monies appropriated herein, or so much thereof as is necessary to carry out the purposes of this Act, shall be expended by the following State agencies or their successors in the following amounts:

(a)	Department of Health and Social Services		
	Delaware Correctional Center		
	Recreational Facilities	\$ 90,000	
	All Other	<u>4,020,000</u>	\$ 4,320,000
(b)	Department of Natural Resources and Environmental Control		
	Sewer Construction	\$4,000,000	
	Park Development	500,000	
	Other	<u>100,000</u>	\$ 4,600,000
(c)	Department of Public Safety		350,000
(d)	Department of Administrative Services		
	Dover Service Center	\$ 600,000	
	State Office Building-Wilmington		
	Purchase of Air Rights and Construction	<u>\$ 500,000</u>	1,100,000
(e)	Executive Department		571,000
(f)	Department of Highways and Transportation		8,969,900
(g)	State Board of Education		12,791,100
(h)	Delaware State College		285,000
(i)	University of Delaware		1,880,000
(j)	Delaware Technical and Community College		898,000
(k)	National Guard		
	Rehabilitation of Armories	\$ 120,000	
	Residence at Rifle Range	<u>10,000</u>	<u>130,000</u>
	TOTAL		\$35,895,000

Section 8. The sum of \$8,969,900 appropriated by Section 7(f) of this Act to the Department of Highways and Transportation for highway construction and related construction purposes, shall be allocated by the Department of Highways and Transportation to the following Capital Improvements Programs:

(a) Corridor Program .....	\$ 800,000
(b) Non-Corridor Route Improvements Program .....	2,000,000
(c) Highway and Railway Crossing Safety Improvement .....	100,000
(d) Topics Program .....	100,000
(e) Intersection Improvements Program .....	100,000
(f) Traffic Signal Improvements Program .....	250,000
(g) Bridge Rehabilitation, Repair and Replacement Program .....	500,000
(h) Miscellaneous Small Projects .....	200,000
(i) Dirt Road Program .....	500,000
(j) Resurfacing & Rehabilitation of Secondary Roads .....	749,900
(k) Suburban Streets Improvement Program .....	500,000
(l) Advance Planning and Engineering Program .....	200,000
(m) Beach Erosion .....	270,000
(n) Engineering and Contingencies .....	1,000,000
(o) Advance Right-of-way Acquisition .....	<u>1,700,000</u>
TOTAL .....	\$8,969,900

Section 9. The monies allocated in Section 8 of this Act shall be expended for highway construction or related purposes, but they shall not be used for office supplies or for office equipment and furnishings. The monies authorized in Section 8 of this Act and termed (n) Engineering and Contingencies shall be accounted for by project. No monies allocated in Section 8 shall be used to finance the rehabilitation and resurfacing of roads by the 'tar-and-chip' method.

Section 10. The sum of \$12,791,100 appropriated by Section 7 (g) of this Act to the State Board of Education for school construction purposes, or so much thereof as shall be necessary to carry out the purposes of this Act, shall be allocated by the State Board of Education to the following named school districts according to the following tabulation of maximum totals and shares, or in the proportions represented by said maximum totals and shares:

Name of School District	Total Cost	Local Share	State Share
(a) Alfred I. DuPont	\$ 622,000	\$ 249,000	\$ 373,000
(b) Alexis I. DuPont	130,000	52,000	78,000
(c) Appoquinimink	515,000	150,000	365,000
(d) Delmar	344,000	138,000	206,000
(e) Kent County Vo-Tech School			
Equipment	265,000	- 0 -	265,000
Additions			
Planning & Design	255,000	- 0 -	255,000
(f) New Castle Vo-Tech School	2,163,000	- 0 -	2,163,000
(g) New Castle-Gunning Bedford	2,698,000	1,079,000	1,619,000
(h) Newark	5,072,000	1,991,000	3,081,000
(i) Smyrna	1,500,000	600,000	900,000
(j) Wilmington	2,650,000	1,060,000	1,590,000
(k) Wilmington (Howard)			
Vo-Tech School-Design	300,000	- 0 -	300,000
(l) Woodbridge	73,000	29,000	44,000
(m) State Board of Education			
Minor Capital Improvements	1,436,000	574,400	861,600
School Building Maintenance	690,500	- 0 -	690,500
<b>TOTAL</b>	<b>\$18,713,500</b>	<b>\$ 5,922,400</b>	<b>\$12,791,100</b>

Section 11. The sums of money appropriated and allocated for school construction purposes pursuant to Section 7 and Section 10 of this Act shall be expended in accordance with the provisions of this Act, and Chapter 75, Title 29, Delaware Code.

Section 12. No Money appropriated and allocated by this Act for school construction purposes pursuant to Section 10 of this Act shall be expended for educational supplies of an expendable nature which are consumed or materially changed as they are used; provided, however, that nothing herein contained

shall preclude the purchase of all educational supplies necessary for the initial operation of schools so built, altered or added to in accordance with the provisions of the School Construction Capital Improvements Act, being, Chapter 75, Title 29, of the Delaware Code.

Section 13. (a) In compliance with Section 7526 of Title 29, Delaware Code, the State Board of Education and the local School Districts shall allocate such portions of the total appropriation for the total cost of any school construction authorized by Section 10 hereof as shall be necessary to provide for the customary audit function, but in no event, shall such allocation exceed one-half percent of such total cost. The State Auditor of Accounts shall be responsible for arranging the audit function in accordance with Section 2906 and Section 2907 of Title 29, Delaware Code.

(b) In compliance with Section 7526 of Title 29, Delaware Code, the State Board of Education and the local School Districts shall allocate such portions of the total appropriation for the total cost of any school construction authorized by Section 10 hereof as shall be necessary to provide for the customary supervision (construction inspection services), but in no event shall such allocation exceed one percent of such total cost.

(c) In contracting for the supervision (construction inspection services) as prescribed in Section 13(b) hereinabove, the State Board of Education shall give first preference to an experienced Delaware organization, able to, and offering to provide quality service on a "non-profit, at cost" basis, and in so contracting it shall not be subject to the bidding laws as prescribed by Chapter 69, Title 29, Delaware Code. If no such organization is able to or is willing to offer to perform such specialized service on such "non-profit, at cost" basis, then the State Board of Education may contract for such services with profit making organizations on a bid basis as prescribed by Chapter 69, Title 29, Delaware Code.

Section 14. Any funds borrowed pursuant to this Act and remaining unexpended after the completion of the programs authorized by this Act and any funds borrowed pursuant to this Act and remaining unexpended because a project authorized by this Act is not timely undertaken, shall be deposited in a special account and appropriated against future capital improvement

bond requirements. Any funds that shall accrue to any school district in this State from the Treasury of the United States for building purposes shall be deposited in the State Treasury and shall be allocated by the State Board of Education to the School district for which the funds are appropriated. The said funds shall be in addition to any other local share and/or State share. Any federal funds received as reimbursement and/or for matching of funds appropriated by this Act except for funds allocated and appropriated for highway construction purposes, funds allocated and appropriated to any school district pursuant to Section 7 and Section 10 of this Act, or funds allocated or appropriated to the Department of Natural Resources and Environmental Control for land acquisition, shall be deposited by the Secretary of Finance in a special account and applied against future capital improvement bond requirements.

Section 15. (a) The sum of \$861,600 appropriated by Section 10(m) of this Act to the State Board of Education for minor capital improvements, to school buildings, or so much thereof as shall be necessary to carry out the purposes of this Act, shall be paid by the State Board of Education to the local districts.

(b) The State Board shall establish criteria for the types of minor capital improvements which it will approve under this Section. The State Board shall pay local districts only for the actual expenses of repairs and replacements of a capital nature which shall include but not be limited to the rebuilding or major repair of roofs, floors, heating systems, electrical, and plumbing or water systems and facilities. The State Board shall in any case, pay only 60 percent of the total costs of such minor capital improvements.

(c) Before any minor capital improvements of repairs of a capital nature authorized by this section are undertaken by any school district, the school district shall send a request to the State Board of Education which request shall itemize the improvements or repairs needed and show the estimated cost of each item. The State Board, using the criteria established pursuant to subsection (b) of this section, shall decide as to the right of payment to the local school district and show the estimated cost of each item.

(d) In order to determine the right of payment to the school district under this section, the State Board, or its designated representative, shall:

(i) inspect the building or buildings to determine that the minor capital improvements requested by the school district are needed and are in accordance with the criteria established pursuant to subsection (b) of this section;

(ii) provide necessary help to the school district for letting of bids on the repairs or replacements meeting the aforesaid criteria;

(iii) inspect the improvements upon completion to determine that all specifications have been met and that the work and materials used are of acceptable quality; and

(iv) pay the State's share of the cost of the improvements or repairs made by the school district in accordance with the provisions of this section after the improvements or repairs are accepted as meeting all specifications as to workmanship and materials.

(e) The State Board of Education shall, if and when the criteria established in this section are met, pay the school district for the school building improvement, except that the amount paid to each school district shall not be in excess of 60 percent of the total cost.

(f) Any school district may levy and collect a tax to pay their 40 percent share of the cost of the minor capital improvements authorized by this section. Such taxes shall be collected by local taxation within the school district according to the provisions set forth in Chapter 19, Title 14, of the Delaware Code.

(g) Any school district, as an alternate to the levy and collection of a tax to pay its 40 percent share as provided in (f) above, may authorized the issuance of bonds to pay its 40 percent share of the cost of the minor capital improvements authorized by this section, pursuant to Chapter 21, Title 14, Delaware Code. In the event that such share is to be raised by the alternate method herein permitted the provisions of Section 7507, Chapter 75, Title 29, Delaware Code, shall apply.

(h) The provisions of Chapter 75, Title 29, Delaware Code, shall not apply to the minor capital improvements authorized by

this section except for the applicability of Section 7507 of said chapter as provided in (g) above.

Section 16. The sum of \$690,500 appropriated by Section 10(m) of this Act to the State Board of Education for 'School Building Maintenance' shall be allocated to the school districts in accordance with the following provisions:

(a) The maximum allocation to any district shall be the sum of the allotments for each school building in the district based upon the following formula: \$9 for each year since the date of pupil occupancy of the building up to a maximum of 30 such years multiplied by the full number of units of 25 pupils in the building on a full-time basis as of September 30, 1970.

(b) The allotment for each school district as computed in (a) shall be expended only for the purpose of maintenance of buildings and such integral parts as the heating plant, plumbing and electrical system; it shall not be used for the purchase of routine janitorial supplies, upkeep of grounds nor the repair of any equipment not a basic part of the building.

(c) Before the State Board of Education shall make any allotment pursuant to this Section, it shall require that the school district submit a plan of the maintenance and the estimated cost thereof.

(d) The State Board of Education shall establish such rules and regulations as it deems necessary to assure that the purpose of this appropriation is carried out.

Section 17. No funds appropriated by this Act to the Department of Natural Resources and Environmental Control for land acquisition can be expended without prior approval by the State Planning Office with respect to compliance with the Delaware Development Plan.

Section 18. All monies appropriated by this Act shall be considered to be in compliance with and shall be expended in accordance with the intent of the 1972 Annual Capital Projects Schedule as prepared by the State Planning Office and approved by the Governor, and as further amended hereby.

Section 19. No money appropriated and allocated by this Act in excess of \$2,000 shall be paid for materials, supplies, services or construction by any State department, agency, or commission to any person, corporation, or other business association until such department, agency, or commission shall have obtained assurance in writing that such person, corporation, or other business association has paid all taxes due the Department of Finance, and has, to the best knowledge of the Department of Finance, obtained all necessary licenses and permits and has complied with all rules and regulations of said Department.

Section 20. The \$300,000 appropriated by this Act for Wilmington (Howard) Vo-Tech School-Design, does not imply 100% funding by the State for the eventual total cost of the project, nor is the \$300,000 in any way intended to be used for the larger suggested Educational Park.

Section 21. The \$571,000 appropriated by this Act to the Budget Office will be allocated to school districts on the basis of \$95 per Division II unit as of September 30, 1970.

Section 22. The Budget Director shall examine each project for which monies appropriated in this Act are earmarked, and shall estimate to the best of his ability the useful life expectancy of each. No monies appropriated and allocated in this Act shall be used for any construction or maintenance which is deemed by the Budget Director to have a useful life expectancy of less than ten (10) years.

Section 23. No bonds or notes shall be issued or monies borrowed on behalf of this State, pursuant to this Act, after June 30, 1977, except as provided in Chapter 75, Title 29, Delaware Code.

Section 24. This Act may be known, styled or referred to as the "Annual Capital Improvement Act of 1972."

Approved February 4, 1972.

## CHAPTER 348

FORMERLY SENATE  
BILL NO. 278 AS  
AMENDED BY HOUSE  
AMENDMENT NOS. 1 & 2**AN ACT TO AMEND CHAPTER 70, TITLE 9, OF THE  
DELAWARE CODE RELATING TO THE SALARY TO BE  
PAID EACH COUNCILMAN OF THE COUNTY COUNCIL  
OF SUSSEX COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the members elected to each House thereof concurring therein):*

Section 1. Amend paragraph "d", Section 7002, Chapter 70, Title 9 of the Delaware Code, by striking the said paragraph in its entirety and substituting in lieu thereof a new paragraph "d" which shall read as follows:

**d. Salary**

The annual salary of each councilman shall be set and determined by County Council by ordinance except that such annual salary shall not exceed \$10,000. Councilmen shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Approved February 5, 1972.

CHAPTER 349

FORMERLY SENATE  
BILL NO. 372 AS AMENDED  
BY SENATE AMENDMENT NO. 2  
AND HOUSE AMENDMENT NO. 3

**AN ACT TO AMEND CHAPTER 15, TITLE 13, DELAWARE  
CODE, RELATING TO DIVORCE AND ANNULMENT.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 1501, Title 13, Delaware Code, is repealed and a new Section 1501 is substituted therefor as follows:

**§ 1501. Jurisdiction; residence; procedure**

(a) The Superior Court of this State has jurisdiction of all actions for divorce and annulment of marriage where either plaintiff or defendant has been a bona fide resident of this State for at least 1 year next preceding the commencement of the action.

(b) The procedure in divorce and annulment shall conform to the rules of the Superior Court where the same do not contravene this title.

Section 2. Section 1502, Title 13, Delaware Code, is repealed and a new Section 1502 is substituted therefor as follows:

**§ 1502. Complaint for divorce or annulment**

(a) The complaint shall be filed with the Prothonotary of the Superior Court in the county where the plaintiff resides or in the county where the defendant resides.

(b) The complaint shall be verified by the plaintiff and shall state —

(1) Name and place of residence of plaintiff;

(2) Name and place of residence or last known address of defendant;

(3) Place where it is most likely that mail will be received by defendant, or that no such place can be ascertained with reasonable diligence;

(4) If defendant is a non-resident of Delaware whether it is likely that jurisdiction can be acquired over his person other than by publication;

(5) If defendant is a foreign national or has resided in a foreign country within 2 years prior to the filing of the petition, the address of a consular representative (preferably the nearest) of such foreign country in the United States;

(6) Period during which plaintiff, defendant or both have resided in this State;

(7) The date and place of marriage, that the parties are still married and the date and place of separation if the parties are living apart;

(8) The grounds of the divorce or annulment;

(9) Whether plaintiff has ever before brought an action for divorce or annulment against defendant in any court, and, so far as plaintiff knows, whether such an action has ever been brought by defendant against plaintiff, stating in the event of any such action, the place and court in which the action was instituted, the grounds of the action, who instituted the action and the result thereof;

(10) Whether the action has been brought out of levity or by collusion;

(11) Any other relevant facts;

(12) Relief prayed for.

Section 3. Section 1503, Title 13, Delaware Code, is repealed and a new Section 1503 is substituted therefor as follows:

**§ 1503. Issuance, service and return of summons and alias summons**

(a) After the filing of the complaint, a summons shall issue and jurisdiction shall be acquired over defendant by personal service, by appearance by attorney, or upon proof of substituted service by publication as prescribed by this title.

(b) When the complaint avers that defendant is a resident of this State, the summons shall be delivered to the sheriff of that county where it appears most likely that service can be effected on defendant. In every case where a summons is delivered to a sheriff in a county other than that in which suit is instituted, a duplicate summons shall also be delivered to the sheriff in the county in which the suit is instituted. If defendant is not served personally or does not appear by attorney, then an alias summons shall be delivered to the sheriff or sheriffs who received the original or duplicate summons for publication as prescribed by this title.

(c) Where the complaint avers that plaintiff is a resident of this State, that defendant is a non-resident of this State and that it is unlikely that jurisdiction can be acquired over defendant other than by publication, the summons shall be delivered to the sheriff of the county where suit is instituted for publication as prescribed by this title.

Section 4. Section 1504, Title 13, Delaware Code, is repealed and a new Section 1504 is substituted therefor as follows:

**§ 1504. Answer; counterclaim; prayer for alimony; prayer for change of name; no default judgment; reply**

(a) Defendant may file a verified answer, move or otherwise plead in response to the complaint, and may counterclaim for divorce or annulment against plaintiff.

(b) Defendant may seek an award of alimony from plaintiff pursuant to statute and if a woman, resumption of former name as provided in Section 1536 of this title.

(c) Defendant's failure to answer the complaint shall not entitle plaintiff to a default judgment.

(d) Plaintiff may reply, move or otherwise plead in response to a counterclaim for divorce or annulment.

Section 5. Section 1505, Title 13, Delaware Code, is repealed and a new Section 1505 is substituted therefor as follows:

**§ 1505. Hearings and trials**

(a) All hearings and trials shall be conducted in private by the court sitting without a jury, and not by any master, referee or other delegated person; but for reasons appearing sufficient to the court, any hearing or trial may be opened to the public.

(b) No decree of annulment or divorce shall be granted in the absence of affirmative proof aside from any admissions by defendant.

Section 6. Section 1506, Title 13, Delaware Code, is repealed and a new Section 1506 is substituted therefor as follows:

**§ 1506. Impounding record or evidence**

No record or evidence in any case shall be impounded or access thereto refused.

Section 7. Section 1507, Title 13, Delaware Code, is repealed and a new Section 1507 is substituted therefor as follows:

**§ 1507. Assignment of attorney**

In all uncontested cases, and in any other case where the court deems it necessary or proper, a disinterested attorney may be assigned by the court actively to defend the case. A fee for such attorney shall be allowed by the Court and taxed as part of the costs.

Section 8. Section 1508, Title 13, Delaware Code, is repealed and a new Section 1508 is substituted therefor as follows:

**§ 1508. Appearance by relative**

A relative by blood or marriage of an absent or uncontesting defendant, may, by attorney, appear for the defendant and plead to the complaint.

Section 9. Section 1509, Title 13, Delaware Code, is repealed and a new Section 1509 is substituted therefor as follows:

**§ 1509. Legitimacy of children**

(a) In an action brought by the wife, the legitimacy of any child born or begotten before the commencement of the action shall not be affected.

(b) In an action brought by the husband on grounds of adultery, the legitimacy of any child born or begotten before the commission of the offense charged shall not be affected; but the legitimacy of any other child of the wife may be determined as one of the issues of the action. All children begotten before the commencement of the action shall be presumed to be legitimate.

Section 10. Section 1526, Title 13, Delaware Code, is redesignated Section 1512 and shall read as follows:

**§ 1512. Service by publication**

(a) If the complaint avers that plaintiff is a resident of this State, that defendant is a non-resident of this State and that it is unlikely that jurisdiction can be acquired over defendant other than by publication, then the sheriff, upon receipt of the summons, shall cause an abbreviated form thereof as prescribed by subsection (e) of this section, to be published for 3 weeks in a newspaper of general circulation in the county to give defendant notice of the action.

(b) If the complaint avers that defendant is a resident of this State and it shall appear that the summons has been returned "non est inventus" and that the defendant has not appeared in the action by attorney, then the sheriff, upon receipt of the alias summons, shall cause an abbreviated form thereof as prescribed by subsection (e) of this section, to be published for 3 weeks in a

newspaper of general circulation in the county to give defendant notice of the action.

(c) The requirement of publication for 3 weeks may be complied with by 3 publications, 1 during each of 3 successive calendar weeks, provided that the last publication shall not be less than 14 days after the first.

(d) Where service is to be made upon defendant by publication, the Prothonotary, not later than 5 days after the issuance of the summons or alias summons, shall forward to the defendant, at his last known address (and to the Consular office, if any, specified in the petition), by certified or registered mail with return receipt requested, a copy of the petition, and a notice in the form prescribed by subsection (e) of this section. The return receipt, when and if returned, or the envelope, if returned unclaimed, shall be filed with the papers in the cause, and the Prothonotary shall make appropriate entries upon the record showing compliance herewith. The expense of mailing shall be taxed as part of the costs. No further notice shall be required, unless the court, deeming the circumstances exceptional, requires further notice.

(e) The form of notice shall be as follows:

**NOTICE OF DIVORCE ACTION**

**TO: (John R. Doe), Defendant**

**FROM: (Richard A. Roe), Prothonotary**

(Mary C. Doe), Plaintiff, has sued you for divorce in the Superior Court of the State of Delaware in and for (New Castle) County, in Civil Action No. \_\_\_\_\_, 19\_\_\_\_. If you do not serve an answer to the complaint on plaintiff's attorney (John C. Doe, 400 Delaware Avenue, Wilmington, Delaware) within 20 days after the last day for publication of this notice as required by statute, the action will be tried without further notice at the county Court House in (Wilmington).

(f) Personal service or appearance for defendant by attorney prior to the return day of the original or alias summons shall give the court jurisdiction over defendant. Otherwise, the Court shall have jurisdiction over defendant only after publication as herein provided.

(g) The court on defendant's motion or on its own motion shall inquire into the averments of the complaint to determine whether the facts support a finding that jurisdiction has been acquired over defendant in accordance with this title.

Section 11. Section 1534, Title 13, Delaware Code, is amended to read as follows:

**§ 1534. Final and absolute decree**

A decree nisi shall become absolute after the expiration of thirty days from the entry thereof, unless appealed from or proceedings for review are pending, or the court, before the expiration of said period for sufficient cause, upon its own motion, or upon the application of any person, whether interested or not, otherwise orders. At the expiration of thirty days such final and absolute decree shall be entered upon application to the court by the plaintiff, unless prior to that time cause is shown to the contrary.

Section 12. Section 1536, Title 13, Delaware Code, is amended to read as follows:

**§ 1536. Resumption of maiden or former name**

The Court, upon granting a divorce from the bonds of matrimony, may allow a female plaintiff or defendant to resume her maiden name or the name of a former deceased husband if such relief is prayed for in the complaint, answer or by motion supported by affidavit, and it appears that the application is justified by the testimony or affidavit.

Section 13. A new section to be known as Section 1538 is added to Title 13, Delaware Code, reading as follows:

**§ 1538. Conduct of proceedings by minors over age 19**

A plaintiff or a defendant under age 21 but over age 19 may prosecute all proceedings under this chapter as do litigants over age 21 without the intervention of a guardian and litem or next friend.

Section 14. Sections 1523, 1525, 1527, 1535, and 1552 are repealed.

Section 15. Section 1521, Title 13, Delaware Code, is repealed and a new section 1521 is substituted therefor to read as follows:

**§ 1521. Divorce from bonds of matrimony**

Divorce shall be granted only from the bonds of matrimony, or divorce a vinculo matrimonii.

Section 16. This Act shall become effective 30 days after the day on which it is signed into law by the Governor. Actions commenced prior to the effective date of this Act shall be governed by the provisions of Chapter 15, Title 13, operative prior to such effective date and those provisions shall remain in effect as to those actions as if this Act were not in effect.

Section 17. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Approved February 5, 1972.

(g) The court on defendant's motion or on its own motion shall inquire into the averments of the complaint to determine whether the facts support a finding that jurisdiction has been acquired over defendant in accordance with this title.

Section 11. Section 1534, Title 13, Delaware Code, is amended to read as follows:

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Section 17. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Approved February 5, 1972.

CHAPTER 350

FORMERLY SENATE BILL  
NO. 506 AS AMENDED BY  
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 6, TITLE 29, DELAWARE  
CODE, RELATING TO THE BOUNDARIES OF CERTAIN  
SENATORIAL DISTRICTS**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend subsection (a) of Section 642, Chapter 6, Title 29, Delaware Code, by striking the phrase immediately following the first appearance of the words "Town of Woodside" beginning with the word "thence" and ending with "13A" and substituting in lieu thereof the following:

"thence, in a northerly direction along the center line of the western boundary of the Town of Woodside; thence, in an easterly direction along the center line of the northern boundary of the Town of Woodside; thence, in a southerly direction along the center line of the eastern boundary of the Town of Woodside; thence, in a westerly direction along the center line of the southern boundary of the Town of Woodside to its intersection with the center line of U.S. Route 13A."

Section 2. Amend subsection (c), Section 642, Chapter 6, Title 29, of the Delaware Code, by striking the phrase immediately following the words "Town of Woodside", which phrase ends with the words, "U.S. Route 13A" and substituting in lieu thereof the following:

Thence, in a northerly direction along the center line of the western boundary of the Town of Woodside; thence, in an easterly direction along the center line of the northern boundary of the Town of Woodside; thence, in a southerly direction along the center line of the eastern boundary of the Town of Woodside; thence, in a westerly direction along the center line of the southern boundary of the Town of Woodside to its intersection with the center line of U.S. Route 13A.

Approved February 5, 1972.

## CHAPTER 351

FORMERLY SENATE  
BILL NO. 352**AN ACT TO AMEND TITLE 18, DELAWARE INSURANCE  
CODE BY AMENDING CHAPTER 7, REQUIRING A RE-  
CEIPT FOR PAYMENTS OF CASH.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 711 (b), Chapter 7, Title 18, Delaware Code, is amended by deleting subsection (b) in its entirety and inserting a new subsection (b) to read:

(b) The Commissioner shall give to any person paying cash a pre-numbered itemized receipt for fees, charges, administrative fines, and taxes paid under this Title.

Approved February 8, 1972.

CHAPTER 352

FORMERLY HOUSE  
BILL NO. 598

AN ACT TO AMEND "AN ACT TO REINCORPORATE THE TOWN OF BOWERS, BEING CHAPTER 297, VOLUME 53, LAWS OF DELAWARE, BY CHANGING THE DATE AND TIME OF ELECTION, PROVIDING FOR THE ELECTION OF THE MAYOR, BY CHANGING THE QUALIFICATIONS OF VOTERS, BY PRESCRIBING THE DUTIES OF VICE MAYOR, BY AUTHORIZING THE USE OF THE KENT COUNTY ASSESSMENT LIST, AND BY REPEALING THE REQUIREMENT OF POSTING A LIST OF DELINQUENT TAXPAYERS."

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the members of each house concurring therein):*

Section 1. Subsection (3) (a) of Chapter 279, Volume 53, Laws of Delaware, is amended to read:

(a) **Town Council and Mayor**

The Government of the Town of Bowers and the exercise of all powers conferred by this Charter except as otherwise provided herein shall be vested in a Town Council, consisting of four members and a Mayor, to be chosen for two-year terms as hereinafter provided. They shall serve without compensation. Each of the four councilmen and the Mayor shall be above the age of twenty-one years, a non-delinquent taxable of said Town and at the time of his election and during his term of office, a resident of the Town. The Mayor shall have all the powers of a councilman and whenever the word "council" is used herein it shall include the Mayor. If at any time during the terms of the said councilmen or mayor they fail to comply with the aforesaid residence requirements, they shall ipso facto vacate their office.

Section 2. Subsection 4 (a) of Chapter 279, Volume 53, Laws of Delaware, is amended to read:

(a) Terms

Two of the Councilmen shall be elected for the term of two years each, in every even numbered year and two of the Councilmen shall be elected for the term of two years each in every odd numbered year. The Mayor shall be elected for a two-year term in every even numbered year. The members of the Council shall serve until their successors are duly elected and qualified. Councilmen holding office at the time of the enactment of this subsection shall continue to hold office until the expiration of their terms.

Section 3. Subsection 4(b) of Chapter 279, Volume 53, Laws of Delaware, is amended to insert the words "or Mayor" in after the word "council" in Line 1.

Section 4. Subsection 5 (a) of Chapter 279, Volume 53, Laws of Delaware, is amended by inserting the words "or Mayor" after "councilman" as it appears in line 1 and line 6.

Section 5. Subsection 6(a) of Chapter 279, Volume 53, Laws of Delaware, is amended by deleting the words "the first Monday in the month of March from 1:00 o'clock P.M. until 4:00 o'clock P.M." as they appear on lines 2 and 3 and substituting in lieu thereof the words "the first Saturday in August from 2:00 o'clock P.M. until 7:00 o'clock P.M." and by adding a sentence at the end of the subsection to read: "In the event voting machines are required, the ballots shall be prepared in accordance with the election laws of the State of Delaware."

Section 6. Subsection 6(c) of Chapter 279, Volume 53, Laws of Delaware, is amended to read:

"at such election every person, male or female, above the age of 18 years who shall have been a bona-fide resident of the Town of Bowers for at least thirty days immediately preceding any such election or whoever not being a resident of the town is a real property owner and in the town shall have one vote. All votes shall be offered in person."

Section 7. Subsection 6 (d) of Chapter 279, Volume 53, Laws of Delaware, is repealed.

Section 8. Subsection 7 (a) is amended by deleting the

words "a Mayor" as they appear on line 7 and by adding a sentence at the end of the subsection to read "The Vice-Mayor shall exercise the powers and duties of the Mayor in his absence or disability."

Section 9. Subsection 16 (a) of Chapter 279, Volume 53, Laws of Delaware, is amended by adding a last sentence to read as follows:

"In preparing the assessment list as foresaid, it shall be lawful for the assessor to adopt the Kent County assessment."

Section 10. Subsection 16 (g) of Chapter 279, Volume 53, Laws of Delaware, is amended by repealing the first sentence thereof.

Approved February 8, 1972.

CHAPTER 353  
FORMERLY HOUSE  
BILL NO. 599 AS  
AMENDED BY SENATE AMENDMENT  
NO. 1 AND HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND SUBCHAPTER 1 OF CHAPTER 21, TITLE  
21, DELAWARE CODE, RELATING TO INSURANCE  
COVERAGE ON CERTAIN VEHICLES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend § 2118 (a) (2) (B) of Chapter 21, Title 21, Delaware Code, by striking said subparagraph in its entirety, and inserting in lieu thereof the following:

(B) The owner of a vehicle may elect to have the coverage described in subsection (2) written subject to certain deductibles, waiting periods, sublimits, percentage reductions, excess provisions and similar reductions offered by insurers in accordance with filings made by such insurers with the Department of Insurance, applicable to expenses incurred as a result of injury to the owner of the vehicle or members of his household; provided that the owner of a motorcycle may elect to exclude from such coverage expenses incurred as a result of injury to any person riding such vehicle while not on a highway and in any case of injury when no other vehicle is involved by actual collision or contact. This election must be made in writing and signed by the owner of the vehicle; insurers issuing such policies may not require such reductions.

Section 2. The Insurance Commissioner shall have the discretionary power to delay the effective date of the requirement for insurance on motorcycles.

Approved February 8, 1972.

CHAPTER 354  
FORMERLY  
SENATE BILL NO. 512  
AS AMENDED BY HOUSE  
AMENDMENT NO. 1 AND  
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND PART III, TITLE 9 OF THE DELAWARE  
CODE RELATING TO THE POWER OF THE LEVY  
COURT OF KENT COUNTY TO APPROPRIATE FUNDS  
FOR CERTAIN PURPOSES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Subchapter III, Chapter 41, Part III, Title 9 of the Delaware Code, by adding thereto a new section, to be designated as § 4136, which new section shall read as follows:

**§ 4136. Appropriations for community services**

The Levy Court of Kent County may appropriate each year for community services of general benefit to the county and its residents such amounts as it may deem just and proper.

Section 2. Amend Subchapter III, Chapter 41, Part III, Title 9 of the Delaware Code, by adding thereto a new section, to be designated as § 4137, which new section shall read as follows:

**§ 4137. Appropriation for county records and assessments**

The Levy Court may determine whether additional methods or procedures relating to county records and assessments are required for Kent County, and may direct the payment therefor from the General Funds of the County.

Section 3. Amend Chapter 42, Part III, Title 9 of the Delaware Code, by adding thereto a new section, to be designated as § 4206, which new section shall read as follows:

**§ 4206. Savings clause**

The provisions contained elsewhere in this chapter shall not limit or prohibit the Levy Court of Kent County from further appropriations to hospitals serving Kent County.

Approved March 22, 1972

CHAPTER 355

FORMERLY HOUSE  
BILL NO. 339

**AN ACT TO AMEND CHAPTER 9 OF TITLE 28, DELAWARE  
CODE, RELATING TO PROHIBITION OF HORSE RACING  
ON CERTAIN RELIGIOUS HOLIDAYS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Chapter 9, Section 906, Delaware Code,  
by adding thereto a new sentence which shall read as follows:

Horse racing of any kind on Good Friday or Easter Sunday in  
any county or municipality within the State is hereby prohibited.

Approved March 27, 1972.

## CHAPTER 356

FORMERLY HOUSE  
BILL NO. 592**AN ACT TO AMEND CHAPTER 70, TITLE 6, DELAWARE CODE, RELATING TO REQUIREMENTS FOR ADVANCE RENTAL RESERVE ON AIR AND WATER POLLUTION CONTROL AND INDUSTRIAL PROJECTS AND FURTHER CLARIFYING THE DEFINITION OF "PROJECT".**

*Be it enacted by the General Assembly of the State of Delaware (Three-fourths of all of the members of each house concurring therein):*

Section 1. Amend Section 7002 (4), Title 6, Delaware Code, by striking the comma “,” after the words “either separately or as part of a project,” and inserting the following words:

“any one or combination of the following: furnishings, machinery and equipment,”.

Section 2. Amend Section 7003, (a), Title 6, Delaware Code, by adding the phrase “or part thereof” immediately after the word “project” as the same appears in the first sentence of paragraph (a).

Section 3. Amend Section 7003, (a), (2), Title 6, Delaware Code, by striking § 7003 (a) (2) in its entirety and substitute in lieu thereof the following:

“(2) will consist of an industrial building or buildings which are all purpose buildings, suitable for rental to general manufacturing industry; or buildings or machinery readily marketable, or will constitute a project as defined in Section 7002 or any part thereof.”

Section 4. Amend Section 7003, (a) (5), Title 6, Delaware Code, by inserting a comma “,” after the word “will” and insert the following:

“, if the Bonds to be issued are to have the full faith and credit of the State of Delaware pledged thereto.”

Approved March 27, 1972.

CHAPTER 357

FORMERLY HOUSE BILL  
NO. 418 AS AMENDED  
BY HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 1, TITLE 13, DELAWARE  
CODE, RELATING TO THE ISSUING OF MARRIAGE  
LICENSES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 108, Chapter 1, Title 13, Delaware Code, is hereby amended by striking "\$3", as it appears in the first line, and inserting in lieu thereof "\$5"; and by striking the word "sell", as it appears in the first line of said section, and inserting in lieu thereof the word "issue".

Section 2. This Act shall become effective fifteen (15) days after its approval by the Governor.

Approved March 29, 1972.

## CHAPTER 358

FORMERLY HOUSE  
BILL NO. 637**AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE  
CODE, RELATING TO PERSONAL INCOME TAX.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1168, Title 30, Delaware Code, is amended by striking the section in its entirety and by substituting in lieu thereof the following:

**Section 1168. Time and place for filing returns and paying tax**

The income tax returns required by this chapter shall be filed on or before the thirtieth day of the fourth month following the close of the taxpayer's taxable year. A person required to make and file a return under this chapter shall, without assessment, notice or demand, pay any tax due thereon to the Department of Finance on or before the date fixed for filing such return. The Secretary of Finance shall prescribe the place for filing any return, declaration, statement or other document required pursuant to this chapter and for the payment of any tax.

Section 2. Subsection (f) of Section 1191, Title 30, Delaware Code, relating to time return deemed filed, is amended by striking the words "April 15" and inserting in lieu thereof the words "April 30" wherever it appears.

Section 3. Subsection (e) of Section 1198, Title 30, Delaware Code, relating to Net Operating Loss Carryover, is amended by striking the words "15th day" and inserting in lieu thereof the words "thirtieth day".

Section 4. Paragraph (2) of Section 1199 (b), Title 30, Delaware Code, relating to date of return or payment, is amended by striking the words "fifteenth day" where it appears and inserting in lieu thereof the words "thirtieth day".

Approved March 29, 1972.

CHAPTER 359  
FORMERLY HOUSE  
BILL NO. 594

**AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 33, TITLE 19  
OF THE DELAWARE CODE RELATING TO UN-  
EMPLOYMENT COMPENSATION.**

WHEREAS, certain changes were necessary to bring the Delaware Law relating to Unemployment Compensation in conformity with Federal Laws relating to Unemployment Compensation; and

WHEREAS, Senate Bill No. 197 of the 1971 Regular Session attempted to so conform the Delaware Law and is presently the law of this State; and

WHEREAS, certain oversights were made in said Senate Bill, not in conformity with Federal Law; and

WHEREAS, in order to correct the present law and to conform with the Federal Unemployment Compensation Law.

**NOW, THEREFORE,**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Subchapter 1, Chapter 33, Part III, Title 19 of the Delaware Code, by striking § 3302 (10) (A) (iii) (III) in its entirety.

Section 2. Amend Subchapter 1, Chapter 33, Part III, Title 19 of the Delaware Code, by striking from § 3302 (10) (A) (iii) (IV) the following:

“(III),”

Section 3. Amend Subsection (11), Section 3302, Chapter 33, Title 19 of the Delaware Code, by adding thereto a new paragraph (J), which shall read as follows:

(J) Service performed by an individual for an employer as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such employer is performed for remuneration solely by way of commissions.

Section 4. The provisions of this Act shall become effective as of January 1, 1972.

Approved March 31, 1972.

## CHAPTER 360

## FORMERLY SENATE

## BILL NO. 602

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO  
THE DIVISION OF ADULT CORRECTIONS FOR  
OPERATIONAL COST.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. There is hereby appropriated to the Division of Adult Corrections, Department of Health and Social Services, the amounts hereinafter listed for operational costs for the fiscal year ending June 30, 1972:

Salaries – Part Time .....	\$ 6,000
Salaries – Others .....	224,000
Salaries – Overtime .....	139,000
Salaries – Hazard Duty and Shift Differential	6,000
Debtors Prison Payments .....	8,000
Contractual Services .....	50,000
Supplies and Materials .....	<u>167,000</u>
TOTAL	<u>\$600,000</u>

Section 2. This Act shall be known as a supplemental appropriation and the sums appropriated shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. Funds appropriated herein which remain unexpended on June 30, 1972, shall revert to the General Fund.

Approved April 1, 1972.

CHAPTER 361

FORMERLY HOUSE BILL  
NO. 589 AS AMENDED BY  
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 71, TITLE 14, SECTION 7129  
(A) OF THE DELAWARE CODE, RELATING TO  
LIBRARIES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend § 7129 by adding the following sentence  
after the word "title" at the end of paragraph 2 (a):

"The foregoing notwithstanding, a first class school district  
Library Commission in a district whose total assessed valuation of  
real estate is in excess of \$100,000,000 may assess up to, but no  
more than, \$95,000 per annum."

Approved April 5, 1972.

## CHAPTER 362

FORMERLY SENATE BILL  
NO. 411 AS AMENDED BY  
SENATE AMENDMENT NO. 2**AN ACT TO AMEND CHAPTER 51, TITLE 31, DELAWARE CODE, BY CREATING A NEW SECTION RELATING TO THE TRANSFER AND TREATMENT OF MENTALLY-DEFECTIVE JUVENILES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 51, Title 31, Delaware Code, by adding a new section 5123 thereto to read as follows:

**§ 5123. Treatment of mentally defective juvenile inmates; transfer**

(a) The Secretary of the Department of Health and Social Services, is empowered to transfer to other appropriate State Institutions for care and treatment juveniles committed to the custody of the Division of Juvenile Corrections whom the Secretary has determined to be psychotic or mentally defective. Transfer may also be made to such facilities in other jurisdictions, or to municipal or private facilities, upon the consent of responsible administrators of such facilities.

(b) When, in the judgment of the administrator of the institution to which a juvenile in custody has been transferred, the juvenile has recovered from the condition which occasioned the transfer, the juvenile shall be returned to the Division of Juvenile Corrections.

(c) The transfer shall become effective as soon as the Secretary of the Department of Health and Social Services requests it. The parents or guardians of the juvenile, if they can be reached by a reasonable effort, shall be notified of the transfer within 30 days. They may demand in writing a hearing before the Secretary of Health and Social Services to be held within two weeks. If they are dissatisfied, they may appeal within 30 days to the Court which committed the juvenile to the Division of

Juvenile Corrections. The decision of the Court on appeal shall prevail.

On the transfer back to the Division of Juvenile Corrections, after the transfer is effective, the parents or guardians shall again be notified of the transfer within 30 days by the Secretary of Health and Social Services. Again they may, if they so desire, demand, in writing, a hearing before the Secretary of Health and Social Services to be held within two weeks, and again, if they are dissatisfied, they may appeal within 30 days to the Court which first committed the juvenile to the Division of Juvenile Corrections. The decision of the Court on appeal shall prevail.

Approved April 7, 1972.

CHAPTER 363

FORMERLY HOUSE

BILL NO. 212

**AN ACT TO AMEND SUBCHAPTER IV OF CHAPTER 21,  
TITLE 21, DELAWARE CODE, RELATING TO FEE SCHE-  
DULE FOR REGISTRATION OF CERTAIN VEHICLES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Title 21, Section 2151, Delaware Code,  
by striking subsections (4), (5) and (6) as they appear therein and  
redesignating subsection (7) to read subsection (4).

Approved April 8, 1972.

CHAPTER 364

FORMERLY HOUSE  
BILL NO. 213

**AN ACT TO AMEND SUBCHAPTER 11 OF CHAPTER 21,  
TITLE 21, DELAWARE CODE, RELATING TO VEHICLE  
PLATES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Title 21, Section 2124 (b), Delaware Code, by striking subsection (b) in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

“(b) The Division shall issue special plates, designed as ‘in transit’ plates, to transporters and owners of special construction equipment. Such ‘in transit’ plates may be used to operate or move like vehicles or equipment upon the highways solely for the purpose of delivering or moving such vehicle to or from the location of any type of construction. All such vehicles moved or operated under this Section must comply with the provisions of Chapter 45 of this Title.”

Approved April 8, 1972

## CHAPTER 365

FORMERLY HOUSE BILL  
NO. 268 AS AMENDED BY  
HOUSE AMENDMENT NO. 1AN ACT TO AMEND SUBCHAPTER I OF CHAPTER 21, TITLE  
21, DELAWARE CODE, RELATING TO EFFECTIVE DATE  
OF REGISTRATION.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 2109 (a), Chapter 21, Title 21, Delaware Code, by striking "paragraphs (1) and (2)" as they appear in the first sentence of subsection (a) of Section 2109.

Section 2. Further amend Section 2109 by striking in its entirety all of subsection (b) of Section 2109.

Section 3. Amend Section 2110 of Chapter 21, Title 21, Delaware Code, by striking the second paragraph of subsection (a) in its entirety and substituting in lieu thereof a new second paragraph to read as follows:

"Any time prior to the expiration of the period for which a vehicle is registered with a Commercial, Trailer or Farm Truck license plate, the registration thereof may be renewed to extend from the date of expiration for an additional period of three (3) months, six (6) months, or one year and in such event the effective date of the renewal registration shall be considered the first day of the calendar month following the period for which the vehicle is currently registered."

Approved April 8, 1972.

CHAPTER 366  
FORMERLY HOUSE  
BILL NO. 272

**AN ACT TO AMEND CHAPTER 3, OF TITLE 21, DELAWARE  
CODE, RELATING TO REGISTRATION AND LICENSE  
RECORDS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Chapter 3, Section 310, Subsection (a), Title 21, Delaware Code, by striking subsection (a) in its entirety and substituting a new subsection (a) to read as follows:

“(a) All vehicle registration, license and driver’s performance records, excluding warnings and/or reprimands of three (3) years ago or less in the offices of the Division shall be public records and open to inspection by the public during business hours”.

Approved April 8, 1972.

CHAPTER 367  
FORMERLY HOUSE  
BILL NO. 603

**AN ACT TO AMEND TITLE 29, DELAWARE CODE, SECTION 6102 BY PROVIDING FOR THE MAINTENANCE OF A SEPARATE RESERVE FUND UNDER THE STUDENT LOAN PROGRAM OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED.**

WHEREAS, in order to comply with the Student Loan Program of the United States Higher Education Act of 1965, as amended, it is necessary that the State maintain a separate fund which together with any interest or profit derived from investment thereof shall not revert to the General Fund;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 6102 of Title 29 of the Delaware Code, is amended by adding a new section (e), as follows:

“(e) All moneys which have been appropriated by the General Assembly and are now deposited in a special fund account, as well as all moneys hereafter appropriated by the General Assembly, for use in carrying out the function of the Delaware Higher Education Student Loan Program, under the U.S. Higher Education Act of 1965, established by Executive Order 26, dated August 8, 1966, and Executive Order 40, dated August 27, 1970, hereinafter called The Agency, shall be placed in a segregated fund account, known as the Delaware Higher Education Loan Program Fund together with sums as are (a) advanced by the Federal Government for carrying out the Program of the Agency, (b) received by the Agency as loan insurance premiums, (c) received by the Agency through gift, grant, or by other means from other sources, (d) collected on defaulted loans after expenses of collection, or (e) in the nature of interest or other earnings derived from the investment thereof. The said Fund in the separate account shall not be a part of the General Fund of the State.”

Approved April 8, 1972.

CHAPTER 368  
FORMERLY SENATE  
SUBSTITUTE NO. 1  
FOR SENATE BILL NO. 560

**AN ACT TO AMEND TITLE 15, DELAWARE CODE, BY AMENDING CHAPTER 31, AND MAKING CERTAIN CHANGES IN THE DATES RELATING TO CERTAIN PRIMARY ELECTIONS AND NOMINATIONS OF CANDIDATES, AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subsection 3102 (a), Title 15, Delaware Code, is hereby amended by striking it in its entirety and inserting in lieu thereof the following:

(a) The time for holding any primary election for the election of delegates to any State Party Convention shall be:

(1) The first Saturday in June in a Presidential election year, or

(2) The second (2nd) Tuesday in July in a non-presidential election year.

Section 2. Subsection 3107 (a) (2), Title 15, Delaware Code, is hereby amended to read as follows:

(2) (i) All candidates for county or countywide office, member of the General Assembly and/or municipal office for any municipality which holds its election at the time of the general election shall notify the County Chairman, or his designee in writing, or the City Chairman or his designees in writing, whichever is applicable, of his respective political party of the county in which the candidate resides. Such notification shall be on forms provided by the State Election Commissioner and shall be on or before twelve (12) o'clock noon on the first Saturday in August. In the event that the first Saturday in August is a legal

holiday, then the last day such notification shall be filed is the next day which is not a legal holiday.

(ii) All candidates for the position of delegate or alternate to any state political party convention shall notify the County Chairman, or his designee in writing, of his respective political party of the county in which the candidate resides. Such notification shall be:

(a) on forms provided by the State Election Commissioner; and

(b) (1) on or before twelve (12) o'clock on the first Tuesday in May in the year in which a President of the United States is to be elected, or

(2) on or before twelve (12) o'clock noon on the first (1st) Tuesday in June in a non-presidential election year.

In the event the dates listed in subparagraph (b) above are legal holidays, then the last day such notification shall be filed is the next day which is not a legal holiday.

Section 3. Subsection 3107 (e), Title 15, Delaware Code, is hereby amended by striking therefrom the sentence "The notice of withdrawal shall be filed not later than twelve (12) o'clock noon on the twelfth (12) day prior to the date set for such primary." and inserting in lieu thereof the following:

The notice of withdrawal shall be filed before twelve (12) o'clock noon on the fifth (5) day after the filing deadline as set out in sections 3107 (a) (2) (i) and (ii) of this Title. In the event the fifth (5th) day is a Saturday, Sunday or legal holiday, then the last day such notification shall be filed is the next day which is neither a Saturday, Sunday nor legal holiday.

Section 4. Subsection 3108 (a) and (b), Title 15, Delaware Code, are hereby amended by striking them in their entirety and inserting in lieu thereof the following:

Before twelve (12) o'clock noon on the fifth (5th) day after the filing deadline as set out in Sections 3107 (a) (2) (i) and (ii) of this Title. In the event the fifth (5th) day is a Saturday, Sunday or

legal holiday, then the last day such notification shall be filed is the next day which is neither a Saturday, Sunday nor legal holiday.

Section 5. In addition to any sums heretofore appropriated to the Departments of Elections for each county of this State, there is hereby appropriated for the fiscal year ending June 30, 1972, to the Departments of Elections for New Castle County, Kent County and Sussex County the following sums for the purpose of conducting the delegate or alternate candidates primary election:

Departments of Elections for New Castle County	\$54,600.00
Department of Elections for Kent County	11,100.00
Department of Elections for Sussex County	16,000.00

Section 6. The funds appropriated herein are to be used only for the purposes specified and any unexpended funds shall revert to the General Fund of the State of Delaware on June 30, 1972.

Section 7. The funds hereby appropriated shall be paid out of the General Fund of the State of Delaware from funds not otherwise appropriated.

Approved April 8, 1972.

## CHAPTER 369

FORMERLY SENATE  
BILL NO. 576

**AN ACT AUTHORIZING THE TREASURER OF THE STATE OF DELAWARE TO ADVANCE FROM THE GENERAL FUND OF THE STATE OF DELAWARE TO THE STATE DEPARTMENT OF PUBLIC INSTRUCTION AMOUNTS NOT TO EXCEED \$300,000 IN TOTAL TO EXPEDITE THE REPLACEMENT OF THE HEATING SYSTEM AT THE CARRIE DOWNIE ELEMENTARY SCHOOL IN THE NEW CASTLE-GUNNING BEDFORD SCHOOL DISTRICT.**

WHEREAS, an emergency has arisen in the failure of the radiant heating system in the Carrie Downie Elementary School, installed during construction over twenty years ago; and

WHEREAS, use of the school during the coming 1972-73 school year requires immediate action and funds must be authorized before awarding of contracts this month (March, 1972); and

WHEREAS, it is contemplated that final funding will be incorporated in the Annual Capital Improvement Act of 1973.

**NOW, THEREFORE,**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Treasurer of the State of Delaware is hereby authorized to advance from the General Fund, to the State Department of Public Instruction, such sums as may be required but not to exceed \$300,000 in total, to expedite replacement of the Carrie Downie Elementary School heating system, which sums shall be repaid to the General Fund when and if such sums shall have been authorized and funded by the Annual Capital Improvements Act of 1973.

Approved April 12, 1972.

## CHAPTER 370

FORMERLY SENATE BILL  
NO. 266 AS AMENDED BY  
HOUSE AMENDMENT NOS. 1 & 2

**AN ACT TO AMEND TITLE 29, DELAWARE CODE, CHAPTER 69, RELATING TO PROCUREMENT OF MATERIEL AND AWARD OF CONTRACTS FOR PUBLIC WORKS BY STATE AGENCIES BY REQUIRING THAT ALL CONTRACTORS PROVIDE EQUALITY OF EMPLOYMENT OPPORTUNITIES FOR ALL EMPLOYEES AND JOB APPLICANTS.**

WHEREAS, by Subchapter 11, Chapter 7, Title 19 and Chapter 45, Title 6, Delaware Code, the State of Delaware prohibits discrimination in employment and in the use of State services and facilities by reason of race, creed, color, sex or national origin; and

WHEREAS, discrimination in employment can prevent the gainful employment of large numbers of the citizens of this State and thereby impose added burdens upon the public for relief and welfare by reason of unemployment or underemployment by denial of equal access to available employment opportunities; and

WHEREAS, in the conduct of its affairs, it is incumbent upon the State Government to be the leader in honoring and fulfilling the principles and provisions of law which the General Assembly has established as the basic policies of this State.

**NOW, THEREFORE,**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 29, Delaware Code, Chapter 69, is amended by adding thereto a new subsection:

**§ 6921. Equality of employment opportunity on public works**

(a) As a condition to the awarding of any contract for public works financed in whole or in part by appropriation of the

State of Delaware all State contracting agencies shall include in every contract hereinafter entered into the following provisions:

“During the performance of this contract, the contractor agrees as follows:

(i) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex, or national origin. Such action shall include, but not be limited, to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training; including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting agency setting forth the provisions of this non-discrimination clause.

(ii) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.”

(b) The term “contract for public works” means construction, reconstruction, demolition, alteration and/or repair work, maintenance work, and paid for in whole or in part out of the funds of a public body except work performed under a vocational rehabilitation program. The manufacture or finishing of materials, articles, supplies or equipment is not a public work within the meaning of this subsection unless conducted in connection with and at the site of the public work.

(c) The Secretary of the Department of Labor shall be responsible for the administration of this subsection and shall adopt such rules and regulations and issue such orders as he deems necessary to achieve the purposes thereof. Provided that no requirement established hereby shall be in conflict with the provisions of § 6915 of this chapter.

Section 2. This Act shall be effective thirty days after its

enactment, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the enactment of this Act.

Approved April 17, 1972.

## CHAPTER 371

FORMERLY SENATE BILL  
NO. 527

**AN ACT TO AMEND VOLUME 56, LAWS OF DELAWARE, CHAPTER 469, AND VOLUME 57, LAWS OF DELAWARE, CHAPTER 299, TO AUTHORIZE THE UNIVERSITY OF DELAWARE TO USE FUNDS TO DEFRAY IN PART THE CONSTRUCTION COSTS OF THE CONTINUING EDUCATION AND CONFERENCE CENTER.**

WHEREAS, under the provisions of the Annual Capital Improvement Act of 1969, Volume 56, Laws of Delaware, Chapter 469, there was appropriated to the University of Delaware the sum of Four Million Two Hundred Thousand Dollars (\$4,200,000) of which sum of Seven Hundred Thousand Dollars (\$700,000) was allocated to the rehabilitation of Brown Laboratory; and

WHEREAS, under the provisions of the Annual Capital Improvement Act of 1970, Volume 57, Laws of Delaware, Chapter 299, there was appropriated to the University of Delaware the sum of Two Million Nine Hundred Fifty Thousand Dollars (\$2,950,000) of which the sum of Two Million Three Hundred Thousand Dollars (\$2,300,000) was allocated to the construction of the Continuing Education and Conference Center; and

WHEREAS, One Hundred Forty Thousand Dollars (\$140,000) of the Seven Hundred Thousand Dollars (\$700,000) allocated for the rehabilitation of Brown Laboratory is no longer needed for that purpose; and

WHEREAS, the University of Delaware is in urgent need of additional funds to complete the Continuing Education and Conference Center; and

WHEREAS, it is deemed desirable that the One Hundred Forty Thousand Dollars (\$140,000) originally appropriated for part of the cost for the rehabilitation of Brown Laboratory and no longer needed for that purpose be used to finance a part of the construction of the Continuing Education and Conference Center.

**NOW, THEREFORE,**

*Be it enacted by The General Assembly of The State of Delaware (Three-fourths of all members elected to each House thereof concurring therein):*

Section 1. Volume 56, Laws of Delaware, Chapter 469, Section 7 (t) is hereby amended by striking therefrom the amount of \$4,200,000, and substituting in lieu thereof the amount of \$4,060,000.

Section 2. Volume 57, Laws of Delaware, Chapter 299, Section 7 (n) is hereby amended by striking therefrom the amount of \$2,950,000, and substituting in lieu thereof the amount of \$3,090,000.

Approved April 17, 1972.

CHAPTER 372  
FORMERLY HOUSE BILL  
NO. 161

**AN ACT TO AMEND SUBCHAPTER II OF TITLE 21, DELAWARE CODE, RELATING TO DURATION OF TEMPORARY REGISTRATION PLATES.**

*Be it enacted by The General Assembly of The State of Delaware:*

Section 1. Amend Title 21, Section 2131(a) by striking the number "15" as it appears therein and substituting in lieu thereof the number "30".

Approved April 17, 1972.

CHAPTER 373

FORMERLY HOUSE BILL  
NO. 600

**AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTERS 42 AND 12 AS THOSE CHAPTERS RELATE TO DRUG ABUSE EDUCATION.**

WHEREAS, the general provisions of Delaware Code, Title 14, relating to the establishment and supervision of curricular offerings are adequate to provide for a comprehensive yet flexible program in Drug Abuse Education;

*Be it enacted by The General Assembly of The State of Delaware:*

Section 1. Amend Delaware Code, Title 14, Chapter 42, also identified as Laws of Delaware, Volume 58, Chapter 254, by deleting all of that chapter from Title 14.

Section 2. Amend Delaware Code, Title 14, Section 1206 by deleting all of that section.

Approved April 17, 1972.

## CHAPTER 374

FORMERLY HOUSE BILL  
NO. 618 AS AMENDED BY  
HOUSE AMENDMENT NO. 1

**AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS TO  
THE DEPARTMENT OF JUSTICE FOR THE PURPOSE OF  
PROVIDING ADDITIONAL SALARIES, PERSONAL SER-  
VICES, CONTRACTUAL SERVICES, SUPPLIES AND  
MATERIALS AND CAPITAL OUTLAY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$10,400 is hereby appropriated to the Department of Justice for the fiscal year ending June 30, 1972, in the following categories and amounts:

Salaries and wages .....	\$3,500
Personal services .....	500
Contractual services .....	3,300
Supplies and materials .....	500
Capital outlay .....	<u>2,600</u>
Total .....	\$10,400

Section 2. This Act shall be considered a supplementary appropriation and the monies appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 3. If any of the funds in the above categories remain unexpended by June 30, 1972, such funds shall thereupon revert to the General Fund of the State Treasury.

Approved April 17, 1972.

## CHAPTER 375

FORMERLY HOUSE BILL  
NO. 356 AS AMENDED BY  
HOUSE AMENDMENT NO. 1**AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 3, TITLE  
11, DELAWARE CODE, CONCERNING CRUELTY TO  
ANIMALS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each house concurring therein):*

Section 1. Subchapter IV, Chapter 3, Title 11, Delaware Code, is hereby amended by adding thereto a new Section 350 to read as follows:

**§ 350. Cruelty to animals; sale, raffle, offer and display of chicks, ducklings, goslings and rabbits**

(a) No chick, duckling, gosling, or rabbit that has been dyed or otherwise colored artifically may be sold or offered for sale; raffled; offered or given as a prize, premium, or advertising device; or displayed in any store, shop, carnival, or other public place.

(b) Chicks, ducklings, and goslings younger than four weeks of age may not be sold or offered for sale; raffled; or offered or given as a prize, premium, or advertising device, in quantity of less than six birds to an individual person.

(c) Stores, shops, vendors, and others offering chicks, ducklings, or goslings for sale, raffle, or as a prize, premium, or advertising device, or displaying chicks, ducklings, or goslings to the public, shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings, or goslings in good health, and shall keep adequate food and water available to the birds at all times.

(d) Whoever violates subsections (a), (b), or (c) of this section shall be fined not less than ten dollars (\$10) nor more than twenty-five dollars (\$25); provided that, after any violation has been called to the attention of the violator by any law officer.

each day on which such violation continues or is repeated shall constitute a separate offense and violation.

(e) Justices of the Peace of the State of Delaware shall have jurisdiction over offenses committed under this section.

Approved April 26, 1972.

CHAPTER 376  
FORMERLY SENATE BILL  
NO. 588

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO  
THE DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL FOR THE PURPOSE OF  
MOVING OYSTERS TO PUBLIC GROUNDS.**

*Be it enacted by The General Assembly of The State of Delaware:*

Section 1. The sum of \$3,000 is hereby appropriated to the Department of Natural Resources and Environmental Control for the purpose of moving seed oysters to public grounds for the fiscal year ending June 30, 1972.

Section 2. This act is a supplementary appropriation and the money shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated.

Section 3. The funds hereby appropriated are to be used only for the purpose specified and any unexpended funds shall revert to the General Fund of the State of Delaware on June 30, 1972.

Approved April 26, 1972.

## CHAPTER 377

FORMERLY HOUSE BILL NO. 158  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 3, SECTION 310, TITLE 21,  
DELAWARE CODE RELATING TO AUTOMOBILE AND  
LICENSE RECORDS.**

*Be it enacted by The General Assembly of The State of Delaware:*

Section 1. Amend section 310, Chapter 3, Title 21, Delaware Code, by adding thereto a new subsection to be designated subsection (f) to read as follows:

(f) The Director may destroy any records of the Division which have been maintained on file for five (5) years which he may deem obsolete and/or of no further service in carrying out the powers and duties of the Division, provided that the Director of the Division of Historical and Cultural Affairs has given his written consent thereto.

Approved April 28, 1972.

CHAPTER 378  
FORMERLY HOUSE BILL  
NO. 621

**AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF ADULT CORRECTIONS OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, WHICH APPROPRIATION SHALL BE EXPENDED SOLELY FOR EXPENSES INCURRED IN THE LEGAL DEFENSE OF CERTAIN EMPLOYEES.**

WHEREAS, several State employees, employed at the Delaware Correctional Center, face criminal charges arising from the accusations of inmates at the Center and will each soon be tried on four separate charges on offenses which are alleged to have occurred during a riot at the prison on September 2; and

WHEREAS, when indigent members of the community face criminal charges and state they do not have money enough to obtain a satisfactory legal defense they are provided with a full defense by the Office of Public Defender; and

WHEREAS, the State has only recently expended many thousands of dollars, including the fees of private attorneys, for a defendant charged with murder in Sussex County; and

WHEREAS, in the trial of Captain Webb and the forthcoming trial of other employees of the Delaware Correctional Center, the State has provided and continues to provide legal counsel for the prisoners and has, through the office of Attorney General, proceeded to prosecute the case against the correctional officers; and

WHEREAS, such expenditures by the State on behalf of the prisoners and on behalf of the prosecution should be at least partially off-set by an appropriation which would be used solely for the defense of Captain Webb and the other correctional officers.

**NOW THEREFORE:**

*Be it enacted by The General Assembly of the State of Delaware:*

Section 1. The sum of five thousand dollars (\$5,000) is hereby appropriated to the Division of Adult Corrections of the Department of Health and Social Services; which sum shall be utilized as a common fund from which the Delaware Correctional Center employees facing trial on charges arising from the September 2 riot may freely draw. However, the fund may not be used for future or expected expenses. All funds hereby allocated shall be used solely for expenses connected with the said trials.

Section 2. This Act is a supplementary appropriation act and funds hereby appropriated shall be paid from the General Fund of the State Treasury from moneys not otherwise appropriated.

Section 3. The funds herein appropriated shall be expended only in the manner set forth in Section 1, and any funds appropriated but unexpended by June 30, 1973 shall thereupon revert to the General Fund of the State Treasury.

Approved May 1, 1972.

CHAPTER 379

FORMERLY HOUSE BILL  
NO. 677 AS AMENDED BY  
HOUSE AMENDMENT NO. 1

**AN ACT TO PROVIDE SALARY INCREASES FOR CERTAIN  
STATE EMPLOYEES AND PROVIDING A SUPP-  
LEMENTAL APPROPRIATION FOR THE IMPE-  
LEMENTATION OF THIS ACT.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Effective June 1, 1972, the salaries set under the classification and Pay Plan of the Office of Personnel shall be increased in accordance with the following schedule:

Up through pay grade 9 .....	by 10%
Pay grade 10 through pay grade 18 .....	by 7½%
Above pay grade 18 .....	by 5%

Section 2. (a) Effective June 1, 1972, the salaries of those employees not covered by the Classification and Pay Plan of the Office of Personnel shall be increased in accordance with the following schedule:

Up through \$6,350 .....	By 10%
From \$6,351 through \$9,640 .....	by 7½%
Above \$9,640 .....	by 5%

(b) The salary increase set forth in (a) shall not apply to the elected members of the General Assembly, the uniformed division of the Delaware State Police, the employees and teachers of the public school districts including the Department of Public Instruction, those officials covered under the Executive Pay Scale, and the judges and justices of the peace of the State's judicial system.

Section 3. The sum of One Hundred Eighty-Four Thousand Five Hundred Dollars (\$184,500) is hereby appropriated to the Budget Commission for the purpose of implementing the provisions of Section 1 and Section 2 of this Act.

Section 4. In the event the salary and wage appropriation of a department is insufficient to permit the payment of the increases after reasonable allowance is made for salary savings, the Budget Commission may, upon recommendation of the Office of Personnel, for those departments covered under the provisions of Section 1 and upon the recommendation of the Budget Director for those departments covered under the provisions of Section 2, transfer such sums as it may deem necessary into the salary and wage appropriation of such department from the funds set forth in Section 3.

Section 5. The funds appropriated herein shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 6. The funds appropriated herein shall be considered a supplementary appropriation for the fiscal year beginning July 1, 1971, and funds remaining unexpended on June 30, 1972, shall revert to the General Fund.

Approved April 28, 1972.

CHAPTER 380

FORMERLY SENATE SUBSTITUTE NO.  
1 FOR SENATE BILL NO. 185 AS  
AMENDED BY HOUSE AMENDMENT  
NOS. 1 & 4 AND  
SENATE AMENDMENT NO. 2

**AN ACT TO AMEND CHAPTER 35, TITLE 24, OF THE DELAWARE CODE RELATING TO PSYCHOLOGISTS; PROVIDING FOR A BOARD OF EXAMINERS OF PSYCHOLOGISTS; LICENSE REQUIRED TO PRACTICE PSYCHOLOGY; AND PROHIBITION AGAINST THE USE OF THE TITLE "PSYCHOLOGIST"; AND THE GRANTING OF THE PRIVILEGE OF WITHHOLDING CONFIDENTIAL COMMUNICATIONS.**

*Be it enacted by the General Assembly of the State of Delaware (two-third of all members elected to each House thereof concurring therein):*

Section 1. Amend Chapter 35, Title 24, of the Delaware Code, by striking said Chapter 35 in its entirety and substituting in lieu thereof of a new Chapter 35 which shall read as follows:

CHAPTER 35. PSYCHOLOGY

SUBCHAPTER 1 - DEFINITIONS

§ 3501. Definitions

For purposes of this Act, the following words unless otherwise indicated, shall be deemed to have the following meanings:

(a) "Board" means State Board of Examiners of Psychologists.

(b) "Person" means corporations, companies and partnerships, as well as individuals.

(c) "Psychologist" means a person who represents himself to the public by any title or description of services incorporating

the words "psychology", "psychological", "psychologist", and/or one who offers to render, or does render, psychological services and/or treatment to persons, groups, organizations, or the public for a fee, monetary or otherwise.

**§ 3502. Board of Examiners of Psychologists; appointments; qualifications; term; vacancies; oath**

(a) There is created a State Board of Examiners of Psychologists who shall administer the provisions of this Chapter.

(b) The Board shall consist of five members, residents of this State and citizens of the United States, who shall be appointed by the Governor from a list of names submitted by the Delaware Psychological Association.

(c) All of the members of the Board shall be licensed to practice psychology under the provisions of this Chapter. At least three members of the board shall be engaged in the practice of an applied field of psychology.

(d) Persons appointed to the Board initially shall serve for the following terms: two members for two years each and three members for three years each. Thereafter, all members shall be appointed for terms of three years, except that appointments to fill a vacancy occurring otherwise than through the expiration of a term shall be for the unexpired term.

**§ 3503. Compensation; expenses**

The members of the Board shall receive \$20 for each day actually engaged in service and shall be reimbursed for all proper and necessary expenses.

**§ 3504. Organization; meetings; officers, quorum**

(a) The Board shall hold regular meetings at least twice each year, and no more than ten other special meetings at such times and at such places within the State as the Board or the President shall determine.

(b) The Board shall elect annually a President, a Vice-President, and a Secretary-Treasurer. A quorum of the Board shall consist of three members.

**§ 3505. Records and reports**

The Board shall keep a register of all applications for licenses and a record of its proceedings. Such records shall be prima facie evidence of the proceedings of the Board.

**SUBCHAPTER II. LICENSE TO PRACTICE PSYCHOLOGY****§ 3506. License required for the practice of psychology**

No person shall hold himself out to the public in this State as being qualified to practice psychology or use in connection with his name or otherwise assume or use any title or description tending to convey the impression that he is qualified to practice psychology unless such person has been duly licensed under the provisions of this Subchapter.

**§ 3507. General requirements for licensing**

Any applicant for a license to practice psychology shall submit evidence, verified by oath and satisfactory to the Board, that he/she:

(a) Has been a resident of this State for ninety days; or, for a period of ninety days within this State, has been a student of psychology, a psychological intern, or has otherwise been preparing to become a professional psychologist.

(b) Has received a doctoral degree based in part upon a psychological dissertation and on a program of studies, the content of which was primarily psychological, from an accredited college or university having a graduate program in psychology, and who;

(c) Has had, after receiving the doctoral degree, at least two years of supervised experience in psychological work of a type satisfactory to the Board, or;

(d) Has had, after receiving the master's degree, at least five years of supervised experience in psychological work of a type satisfactory to the Board as qualifying in nature.

(e) Is competent in the practice of psychology, as shown by passing such examination, written or oral, or both, as the Board deems necessary.

(f) Has not, within the preceding six months, failed an examination given by the Board or a comparable agency of another state.

#### **§ 3508. Licensing under special conditions**

(a) For a period of six months from the effective date of this Act, the Board may waive the requirements of Section 3507 (b), Section 3507 (e), or both.

(b) The Board may, at its discretion, qualify for licensing without examination any person who is a Diplomat of the American Board of Professional Psychology.

(c) The provision of Section 3508 shall apply only to those psychologists who have been employed in the State of Delaware for a period of at least one year prior to the date of this Act. Any person currently certified by the Board on the effective date of this Act shall be issued a license in place of the certificate which he or she presently holds without the necessity of any formal application on his or her part.

#### **§ 3509. Reciprocity**

The Board may, upon proper application, and upon payment of the required fees, issue a license to any person who holds a license or a certificate of registration issued to him by the proper authorities of any state, district, commonwealth, or territory of the United States, provided that the requirements for the license or certificate do not conflict with the provisions of this Chapter and are of a standard not lower than those specified in this Chapter in the opinion of the Board.

#### **§ 3510. Licensing fees**

(a) The Board shall be empowered to set and collect reasonable fees to be deposited in the General Fund, not to exceed the amounts hereinafter tabulated:

License applications .....	\$50.00
Examinations .....	25.00
License renewals .....	10.00
Delinquency of payment .....	5.00
License replacement .....	5.00

(b) The application fee shall not be returnable under any circumstances. If an applicant fails to appear for a scheduled examination, the examination fee may be forfeited at the discretion of the Board.

#### § 3511. Licenses

The Board shall issue a license to any applicant who has satisfactorily complied with the requirements of Section 3507, Section 3508, if applicable, and Section 3510 of this Chapter.

#### § 3512. Expirations and Renewals

Each year, following the issuance of a license, the holder of such license shall be required to pay a license renewal fee on or before July 31. Failure to renew the license shall provide grounds for suspension of the license. The license may be reinstated at the discretion of the Board, after payment of the regular renewal fee plus a delinquent fee.

#### § 3513. Revocation of license

(a) The Board may revoke or suspend the license of anyone who is found guilty of:

(1) The practice of any fraud or deceit in obtaining a license; impersonating another person holding a license or allowing another person to use his license; or, aiding or abetting a person, not licensed to practice psychology, in representing himself as a psychologist.

(2) Any offense involving moral turpitude.

(3) Using any chemical, drug, or alcoholic beverage to the extent that such use impairs his ability to perform the work of a psychologist.

(4) Advertising in a way that may deceive the public or that may be harmful to public morals or safety.

(5) Making public claims of superiority in training or skill as a psychologist or in the performance of professional service.

(6) The use of psychological techniques for entertainment only, or other purposes not as a profession, as a science, and as a means of promoting human welfare.

(7) Engaging in an area of psychological practice in which he is, in the opinion of the Board, grossly incompetent.

(8) Any form of unethical conduct as defined in "Ethical Standards for Psychologists" as adopted and published by the American Psychological Association, 1953, and as revised.

(b) The Board, or any aggrieved person, may prefer charges of fraud, deceit, gross negligence, or misconduct against anyone licensed to practice psychology in this State. Such charges shall be in writing and shall be filed with the Secretary-Treasurer of the Board. The Board shall have the right to investigate complaints. Findings resulting from the Board's investigation may constitute sufficient reason to hold a hearing.

(c) All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they shall have been preferred, unless the President of the Board grants an extension of one month for the date of such hearing.

(d) The time and place for such hearing shall be fixed by the Board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of the licensee at least 30 days before the date fixed for the hearing. At such hearing, the accused licensee shall have the right to appear personally and to be represented by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own

defense. If, after such a hearing, three or more members of the Board vote in favor of finding the accused guilty, the Board shall revoke or suspend his license or take such other action as the Board deems appropriate.

**§ 3514. Reissuance of revoked license; replacement of license**

(a) One whose license has been revoked may reapply for a new license after one year from the date of its revocation. At the discretion of the Board, and upon the applicant's meeting all the requirements of this Chapter, a written or oral examination, or both, may be required. Fees, as prescribed in Section 3510, shall be applicable.

(b) A new license to replace any license lost, destroyed, or mutilated may be issued subject to the rules of the Board. A charge shall be made for such issuance.

**SUBCHAPTER III. OTHER PROVISIONS**

**§ 3515. Appeals**

Any person who feels aggrieved by any action of the Board in denying, revoking, suspending, or failing to reissue his license may appeal therefrom to the Superior Court of the county in which such person resides. The decision of the Board shall be prima facie correct, and the burden of proof shall be on the appellant to show that the Board acted contrary to law, fraudulently, arbitrarily, or capriciously. The appellant shall be heard on the records and proceedings of the Board, which shall be certified to the Court by the Board within 15 days after service on the Board of a notice of appeal.

**§ 3616. Use of title**

(a) It is specifically prohibited that any individual present himself or that any organization present itself, or be presented to the public, by any title incorporating the name "psychological", "psychology", or "psychologist", unless licensed in accordance with the provisions of this Chapter, except as follows:

(1) Persons employed as psychologists by recognized academic institutions, agencies of the State, or research laboratories

may represent themselves by the title conferred upon them by the administration of such academic institutions, agencies of the State, or laboratories. Nothing in this Chapter shall be construed as permitting such persons or organizations to act as consultants or to accept remuneration for any psychological services other than those rendered during performance of their official duties unless they have been licensed under this Act.

(2) Visiting lecturers from recognized colleges or universities, laboratories and business corporations are exempt from the provisions of this Section and may utilize their academic or research title when presenting lectures or offering their research findings or providing scientific information to similar institutions or organizations.

(3) Students of psychology, psychological interns, and other persons preparing to become professional psychologists and who will be under qualified supervision in recognized training institutions or facilities may be designated by such titles as "psychological intern", "psychological trainee", or other titles clearly indicating such training status. In no instance shall students or interns offer psychological services to the public for remuneration, monetary or otherwise.

(b) Persons employed as psychologists by organizations that sell psychological services to the public in the State of Delaware shall not be exempted.

#### **§ 3517. Limitations on the scope of chapter 35**

(a) The provisions of this Chapter shall not apply to the activities and services of a student, intern, or a resident in psychology, pursuing a course of study approved as qualifying training and experience under the terms of this Chapter.

(b) The provisions of this Chapter shall not apply to those psychologists employed by recognized academic institutions, agencies of the State, or research laboratories, unless such research laboratories sell psychological services to the public.

(c) Nothing in this Chapter shall be construed as permitting the use of those forms of psychotherapy which involve the administration or prescription of drugs or electroshock therapy or

in anyway infringing upon the practice of medicine as defined by the laws of this State.

(d) Nothing in this Chapter shall be construed to prevent qualified members of other professional groups, such as physicians, osteopaths, optometrists, chiropractors, members of the clergy, attorneys at law, social workers, marriage counselors, or guidance counselors from doing work of a psychological nature consistent with the accepted standards of their respective professions; provided, however, that they do not hold themselves out to the public by any title or description stating or implying that they are psychologists or are licensed to practice psychology.

(e) The provision of this Chapter shall not apply to those psychologists not residents of this State and who render professional services in this State for less than six days in any calendar year.

#### **§ 3518. Privileged communication**

The confidential relations and communications between a psychologist licensed under provisions of this Chapter and his client are placed on the same basis as those provided by law between attorney and client. Nothing in this Chapter shall be construed to require any such privilege communications to be disclosed except as provided by law.

#### **§ 3519. Separability**

If any Section this Chapter, or any part thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or any other Section of this Chapter.

#### **§ 3520. Violations and penalty**

(a) The Courts of Common Pleas or the Magistrates Courts of the State of Delaware shall have jurisdiction over offenses committed under this Chapter.

(b) Whoever violates the provisions of this Chapter shall upon conviction thereof, be fined not more than \$500 and/or be imprisoned for not more than one year.

Section 2. The effective date of this Act shall be July 1, 1972, and a maximum of \$720 is hereby appropriated for the calendar year ending June 30, 1973, from the General Fund, to cover the Board's per diem allowances hereinabove provided.

Approved April 28, 1972.

CHAPTER 381

FORMERLY HOUSE BILL  
NO. 601

**AN ACT TO AMEND SUBCHAPTER III, CHAPTER 41, PART  
III, TITLE 21 OF THE DELAWARE CODE, RELATING TO  
RESTRICTIONS ON THE USE OF CONTROLLED-ACCESS  
ROADWAYS.**

*Be it enacted by The General Assembly of The State of  
Delaware:*

Section 1. Amend paragraph (b), Section 4126, Chapter 41,  
Title 21 of the Delaware Code, by striking the period (.) at the end  
of said paragraph, and substitute in lieu thereof the following:

“; provided, however, that any penalty imposed for dis-  
obeying a “no hitchhiking” sign shall not include imprisonment.”

Approved April 30, 1972.

## CHAPTER 382

FORMERLY SENATE SUBSTITUTE  
NO. 2 FOR SENATE BILL  
NO. 425

**AN ACT TO REPEAL CHAPTER 57, TITLE 10, DELAWARE CODE, TITLED "ARBITRATION AND AWARD"; TO REPEAL SECTION 121, TITLE 19, DELAWARE CODE, TITLED "ARBITRATION"; AND TO ADOPT A NEW CHAPTER 57, TITLE 10, DELAWARE CODE, TITLED "UNIFORM ARBITRATION ACT" PROVIDING FOR THE ARBITRATION OF CONTROVERSIES AND THE ENFORCEMENT OF WRITTEN AGREEMENTS TO SUBMIT CONTROVERSIES TO ARBITRATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 121, Chapter 1, Title 19, Delaware Code, is hereby repealed in its entirety.

Section 2. Chapter 57, Title 10, Delaware Code, is hereby repealed in its entirety, and in lieu thereof a new Chapter 57, Title 10, Delaware Code, is enacted with a new title and new provisions as follows:

**CHAPTER 57. UNIFORM ARBITRATION ACT; SUBMISSION OF CONTROVERSIES TO ARBITRATION; WRITTEN AGREEMENTS FOR SUBMISSION OF CONTROVERSIES TO ARBITRATION TO BE VALID, ENFORCEABLE AND IRREVOCABLE; PROVISIONS APPLICABLE TO WRITTEN AGREEMENTS, WITH CERTAIN EXCEPTIONS, BETWEEN PRIVATE PARTIES AS WELL AS TO WRITTEN AGREEMENTS IN WHICH ONE OR MORE OF THE PARTIES IS THE STATE OF DELAWARE OR DEPARTMENTS AND AGENCIES THEREOF, OR POLITICAL DIVISIONS, CORPORATIONS OR OTHER DIVISIONS OF THE STATE OF DELAWARE, OR ONE OR MORE OF THE COUNTIES OR MUNICIPALITIES OR MUNICIPAL CORPORATIONS OF THE STATE OF DELAWARE, OR ANY OF THEIR AGENCIES, DEPARTMENTS OR DIVISIONS.**

**§ 5701. Effect of Arbitration agreement**

A written agreement to submit to arbitration any controversy existing at or arising after the effective date of the agreement is valid, enforceable and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any contract, without regard to the justiciable character of the controversy, and confers jurisdiction on the Chancery Court of the State to enforce it and to enter judgment on an award. In determining any matter arising under this Article, the Court shall not consider whether the claim with respect to which arbitration is sought is tenable, or otherwise pass upon the merits of the dispute. This Act also applies to arbitration agreements between employers and employees or between their respective representatives, except as otherwise provided in § 5728 hereunder.

**§ 5702. Jurisdiction of the Court; applications to the Court; venue; statutes of limitations****(a) Jurisdiction of the Court; applications to the Court**

The term "Court" means the Court of Chancery of this State, except where otherwise specifically provided. The making of an agreement described in § 5701 providing for arbitration in this State confers jurisdiction on the Court to enforce the agreement under this Act and to enter judgment on an award thereunder, except as provided in § 5718. Action shall be commenced by an initial complaint and shall be heard in the manner and upon the notice provided by law or rule of Court on any civil action. Notice of an initial complaint shall be served in the manner provided by law for the service of summons in an action.

**(b) Venue**

An initial complaint shall be made to the Court with the Register in Chancery in and for the county in which the agreement provides the arbitration hearing shall be held or, if the hearings has been held, in the county in which it was held. Otherwise the complaint shall be filed with the Register in Chancery in the county where the adverse party resides or has a place of business or, if he has no residence or place of business in this State, to the Register in and for any county. All subsequent pleadings or applications for an order made under this Act shall be filed in the

Court hearing the initial complaint unless the court otherwise directs.

**(c) Limitation of time**

If, at the time that a demand for arbitration was made or a notice of intention to arbitrate was served, the claim sought to be arbitrated would have been barred by limitation of time had it been asserted in a Court of the State, a party may assert the limitation as a bar to the arbitration on complaint to the Court as provided in § 5703 (b) or by way of defense in an existing case. The failure to assert such bar through complaint to the Court or by way of a defense in Court shall not preclude its assertion before the arbitrators, who may, in their sole discretion, apply or not apply the bar. Except as provided in § 5714 (a) (5) such exercise of discretion by the arbitrators shall not be subject to review by a Court on a complaint or on an application in an existing case to confirm, vacate or modify the award.

**§ 5703. Proceedings to compel or enjoin arbitration; notice of intention to arbitrate**

**(a) Proceeding to compel arbitration**

A party aggrieved by the failure of another to arbitrate may file a complaint for an Order compelling arbitration. Where there is no substantial question whether a valid agreement to arbitrate in this State was made or complied with, and the claim sought to be arbitrated is not barred by limitation under § 5702 (c), the Court shall order the parties to proceed with arbitration. Where any such question is raised it shall be tried forthwith in said Court. If an issue referable to arbitration under the alleged agreement is involved in an action or proceeding pending in the Court of Chancery in the State of Delaware, the application shall be made therein. If the application is granted, the order shall operate to stay the pending or any subsequent action, or so much of it as is referable to arbitration. Any action or proceeding in any other Court of the State, involving an issue subject to arbitration, shall be stayed if an order for arbitration or a complaint or an application therefor has been made in the Court of Chancery under this Act or, if the issue is severable, the stay may be with respect thereto only.

**(b) Application to enjoin arbitration**

Subject to the provisions of subdivision (c) of this Section 5703, a party who has not participated in the arbitration and who has not been made or served with an application to compel arbitration may file its complaint with the Court seeking to enjoin arbitration on the ground that a valid agreement was not made or has not been compiled with or that the claim sought to be arbitrated is barred by limitation of § 5702 (c).

**(c) Notice of intention to arbitrate**

A party must serve upon another party a notice of intention to arbitrate, specifying the agreement pursuant to which arbitration is sought and the name and address of the party serving the notice, of or an officer or agent thereof if such party is an association or corporation, and stating that unless the party served applies to enjoin the arbitration within twenty (20) days after such service he shall thereafter be precluded from objecting that a valid agreement was not made or has not been complied with and from asserting in Court the bar of a limitation of time. Such notice shall be served in the same manner as a summons or by registered or certified mail, return receipt requested. A complaint seeking to enjoin arbitration must be made by the party served within twenty (20) days after service upon him of the notice or he shall be so precluded. Notice of the filing of such complaint shall be served in the same manner as a summons or by registered or certified mail, return receipt requested.

**§ 5704. Appointment of arbitrators by Court**

If the arbitration agreement provides a method of appointment of arbitrators, this method shall be followed. In the absence thereof, or if the agreed method fails or for any reason cannot be followed, or when an arbitrator appointed fails or is unable to act and his successor has not been duly appointed, the Court on Complaint or on application in an existing case of a party shall appoint one or more arbitrators. An arbitrator so appointed has all the powers of one specifically named in the agreement.

**§ 5705. Majority action by arbitrators**

The powers of the arbitrators shall be exercised by a majority unless otherwise provided by the agreement.

**§ 5706. Hearing**

Unless otherwise provided by the agreement:

(a) The arbitrators shall appoint a time and place for the hearing and cause notification to the parties to be served personally or by registered or certified mail, return receipt requested, not less than five (5) days before the hearing. Appearance at the hearing waives such notice. The arbitrators may adjourn the hearing from time to time as necessary and, on request of a party and for good cause, or upon their own motion may postpone the hearing to a time not later than the date fixed by the agreement for making the award unless the parties consent to a later date. The arbitrators may hear and determine the controversy upon the evidence produced notwithstanding the failure of a party duly notified to appear. The Court, on complaint or on application in an existing action, may direct the arbitrators to proceed promptly with the hearing and determination of the controversy.

(b) The parties are entitled to be heard, to present evidence material to the controversy and to cross-examine witnesses appearing at the hearing.

(c) The hearing shall be conducted by all the arbitrators but a majority may determine any question and render a final award. If, during the course of the hearing, an arbitrator for any reason ceases to act, the remaining arbitrator or arbitrators appointed to act as neutrals may continue with the hearing and determination of the controversy.

**§ 5707. Representation by attorney**

A party has the right to be represented by an attorney, and may claim such right at any time at any proceeding or hearing under this Act. A waiver thereof prior to the proceeding or hearing is ineffective. If a party is represented by an attorney, papers to be served on the party shall be served upon his attorney.

**§ 5708. Witnesses, subpoenas, depositions**

(a) The arbitrators may compel the attendance of witnesses and the production of books, records, contracts, papers, accounts, and all other documents and evidence, and shall have the power to

administer oaths. An arbitrator and any attorney of record in any arbitration proceeding shall have the power to issue subpoenas in his own name. Subpoenas to issued shall be served by any sheriff, deputy sheriff, constable or other person, in the manner provided by law for the service and enforcement of subpoenas in a civil action and in accordance with the provisions of Title 10, Delaware Code, Chapter 21.

(b) On application of a party and for use as evidence, the arbitrators may permit a deposition to be taken, in the manner and upon the terms designated by the arbitrators, of a witness who cannot be subpoenaed or is unable to attend the hearing.

(c) All provisions of law compelling a person under Subpoena to testify are applicable.

(d) Fees for attendance as a witness shall be in accordance with Title 10, Section 8903, Delaware Code.

#### **§ 5709. Award**

(a) The award shall be in writing and signed by the arbitrators joining in the award. The arbitrators shall deliver a copy to each party personally or by registered or certified mail, return receipt requested, or as provided in the agreement.

(b) An award shall be made within the time fixed therefor by the agreement or, if not so fixed, within such time as the Court orders on complaint or application of a party in an existing case. The parties may extend the time in writing either before or after the expiration thereof. A party waives the objection that an award was not made within the time required unless he notifies the arbitrators of his objection prior to the delivery of the award to him. The arbitrators shall deliver a copy of the award to each party in the manner provided in the agreement, or if no provision is so made, personally or by registered or certified mail, return receipt requested.

#### **§ 5710. Award by confession**

(a) **When available.** An award by confession may be made for money due or to become due at any time before an award is otherwise made. The award shall be based upon a statement,

verified by each party, containing an authorization to make the award, the sum of the award or the method of ascertaining it, and the facts constituting the liability.

(b) **Time of award.** The award shall be made at any time within three (3) months after the statement is verified and has been served upon the arbitrators or the agency or person or persons named by the parties to designate the arbitrators. Such service shall be made personally or by registered or certified mail, return receipt requested.

(c) **Persons or agency making award.** The award may be made and entered on the judgment roll by the arbitrators or by the agency or person or persons named by the parties to designate the arbitrators.

#### **§ 5711. Modification of award by arbitrators**

On written application of a party to the arbitrators within twenty (20) days after delivery of the award to the applicant, or, if an application to the Court is pending under Sections 5713, 5714, or 5715, on submission to the arbitrators by the Court under such conditions as the Court may order, the arbitrators may modify or correct the award upon the grounds stated in paragraphs (1) and (3) of subdivision (a) of Section 5715, or for the purpose of clarifying the award. Written notice of such application to the arbitrators shall be given forthwith to the opposing party, delivered personally or by registered or certified mail, return receipt requested, stating that he must serve his objections thereto, if any, within ten (10) days from the date of the notice. The arbitrators shall dispose of any application made under this section in writing, signed and acknowledged by them, within thirty (30) days after either written objection to modification has been served on them or the time for serving such objection has expired, whichever is earlier. The parties may in writing extend the time for such disposition either before or after its expiration. The award so modified or corrected by the arbitrators is subject to the provisions of Sections 5713, 5714, and 5715.

#### **§ 5712. Fees and expenses of arbitration**

Unless otherwise provided in the agreement to arbitrate, the

arbitrators' expenses and fees, together with other expenses, not including counsel fees, incurred in the conduct of the arbitration, shall be paid as provided in the award. The Court, on Complaint or on application in an existing case, may reduce or disallow any fee or expense which it finds excessive, or may allocate it as justice requires.

**§ 5713. Confirmation of an award**

The Court shall confirm an award upon Complaint or application of a party in an existing case made within one (1) year after its delivery to him unless within the time limits hereinafter imposed grounds are urged for vacating or modifying or correcting the award, in which case the Court shall proceed as provided in Sections 5714 and 5715.

**§ 5714. Vacating an award**

(a) Upon Complaint or application of a party in an existing case, the Court shall vacate an award where:

(1) The award was procured by corruption, fraud or other undue means;

(2) There was evident partiality by an arbitrator appointed as a neutral except where the award was by confession, or corruption in any of the arbitrators or misconduct prejudicing the rights of any party;

(3) The arbitrators exceeded their powers, or so imperfectly executed them that a final and definite award upon the subject matter submitted was not made;

(4) The arbitrators refused to postpone the hearing upon sufficient cause being shown therefor, or refused to hear evidence material to the controversy, or otherwise so conducted the hearing, contrary to the provisions of Section 5706, or failed to follow the procedures set forth in this Act, so as to prejudice substantially the rights of a party, unless the party applying to vacate the award continued with the arbitration with notice of the defect and without objection; or

(5) There was no valid arbitration agreement, or the agreement to arbitrate had not been complied with, or the arbitrated claim was barred by limitation under § 5702 (c), and the issue was not adversely determined in proceedings under Section 5703 and the party applying to vacate the award did not participate in the arbitration hearing without raising the objection;

But the fact that the relief was such that it could not or would not be granted by a Court of law or equity is not ground for vacating or refusing to confirm the award.

(b) An application under this Section shall be made within ninety (90) days after delivery of a copy of the award to the applicant, except that, if predicated upon corruption, fraud or other undue means, it shall be made within ninety (90) days after such grounds are known or should have been known.

(c) In vacating the award on grounds other than stated in clause (5) of Subsection (a) of this Section 5714, the Court may order a rehearing and determination of all or any of the issues, before new arbitrators chosen as provided in the agreement, or in the absence thereof, by the Court in accordance with Section 5704, or, if the award is vacated on grounds set forth in clauses (3) and (4) of such Subsection (a), the Court may order a rehearing before the arbitrators who made the award or their successors appointed in accordance with Section 5704. The time within which the agreement requires the award to be made is applicable to the rehearing and commences from the date of the order.

(d) If the application to vacate is denied and no motion to modify or correct the award is pending, the Court shall confirm the award.

#### **§ 5715. Modification or correction of award by Court**

(a) Upon Complaint or on application in an existing case made with ninety (90) days after delivery of a copy of the award to the applicant, the Court shall modify or correct the award where:

(1) There was an evident miscalculation of figures or an evident mistake in the description of any person, thing or property referred to in the award;

(2) The arbitrators have awarded upon a matter not submitted to them and the award may be corrected without affecting the merits of the decision upon the issues submitted; or

(3) The award is imperfect in a matter of form, not affecting the merits of the controversy.

(b) If the application is granted, the Court shall modify and correct the award so as to effect its intent and shall confirm the award as so modified and corrected. Otherwise, the Court shall confirm the award as made.

(c) An application to modify or correct an award may be joined in the alternative with an application to vacate the award.

#### **§ 5716. Judgment of decree on award**

Upon the granting of an order confirming, modifying or correcting an award, except in cases where the award is for money damages, a final judgment or decree shall be entered in conformity therewith and be enforced as any other judgment or decree. Costs of the application and of the proceeding subsequent thereto, and disbursements may be awarded by the court.

#### **§ 5717. Judgment roll; docketing with Register in Chancery**

(a) On entry of judgment or decree in cases other than an award for money damages, the Register shall prepare the judgment roll consisting, to the extent filed, of the following:

(1) The agreement and each written extension of the time within which to make the award;

(2) The award;

(3) A copy of the order confirming, modifying or correcting the award; and

(4) A copy of the final judgment or decree.

(b) The judgment or decree may be docketed as if rendered in an action.

**§ 5718. Transfer of money damage award to Superior Court; lien on real estate**

(a) Upon the granting of an order confirming, modifying or correcting award for money damages, a duly certified copy of the award and of the order confirming, modifying or correcting the award shall be filed with the Prothonotary of the Superior Court in the county where the arbitration was conducted and the award made. The Prothonotary shall enter in his judgment docket the names of the parties, the amount of the award, the time from which interest, if any, runs, and the amount of the costs, with the true date of such filing and entry. A confirmed award, so entered, shall constitute a judgment or decree on the docket with the same force and effect as if rendered in an action at law.

(b) Any confirmed award so transferred as authorized by subsection (a) of this Section, shall, from that date, become and be a lien on all the real estate of the debtor in the county, in the same manner and as fully as judgments rendered in the Superior Court are liens, and may be executed and enforced in the same way as judgments of that Court.

**§ 5719. Appeals**

(a) Appeals may be taken from:

(1) A final order denying a Complaint seeking to compel arbitration made under Section 5703 (a);

(2) An order granting an application to enjoin arbitration made under Section 5703 (b);

(3) A final order confirming or denying confirmation of an award;

(4) A final order modifying or correcting an award;

(5) A final order vacating an award without directing a rehearing; or

(6) A final judgment or decree entered pursuant to the provisions of this Act.

(b) The appeal shall be taken in the manner and to the same extent as from orders or judgments in a civil action.

**§ 5720. Act not retroactive**

This Act applies only to agreements made subsequent to the taking effect of this Act.

**§ 5721. Uniformity of interpretation**

This Act shall be so construed as to effectuate its general purpose to make uniform the law of those States which enact it.

**§ 5722. Constitutionality**

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given without the invalid provision or application, and to this end the provisions of this Act are severable.

**§ 5723. Short title**

This Act may be cited as the Uniform Arbitration Act.

**§ 5724. Repeal**

All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed, except Title 14, Delaware Code, Section 4008 (c).

**§ 5725. Death or incompetency of a party**

Where a party dies after making a written agreement to submit a controversy to arbitration, the proceedings may be begun or continued upon the application of, or upon notice to, his executor or administrator, or, where it relates to real property, his distributee or devisee who has succeeded to his interest in the real property. Where a committee of the property or of the person of a party to such an agreement is appointed, the proceedings may be continued upon the application of, or notice to, the committee. Upon the death or incompetency of a party, the Court may extend the time within which an application to confirm, vacate or

modify the award or to stay arbitration must be made. Where a party has died since an award was delivered, the proceedings thereupon are the same as where a party dies after a judgment or decree has been rendered.

**§ 5726. Arbitration of contracts of State and Municipalities**

On and after the date of this Act it shall be lawful to include in any contract hereinafter executed by or on behalf of the State of Delaware, or any Department or Agency thereof or by or on behalf of any County, Municipal corporation, or other division of the State of Delaware, a provision that any matter in dispute arising under the said contract shall be submitted to arbitration in accordance with this Act or such Sections thereof as may be set forth in such contract, except as provided in Section 5728 hereunder.

**§ 5727. State and Municipal contracts**

The provisions of this Act shall apply to any written contract to which the State of Delaware or any Agency or subdivision thereof, or any Municipal corporation or political division of the State of Delaware shall be a party, except as provided in Section 5728 hereunder.

**§ 5728. Exclusion of collective bargaining labor contracts with public and private employers.**

Notwithstanding anything contained in this Act by word or inference to the contrary, the provisions of this Act shall not apply to labor contracts with either public or private employers where such contracts have been negotiated by, or the employees covered thereby are represented by, any labor organization or collective bargaining agent or representative.

Section 3. This Act shall take effect sixty (60) days after enactment and approval by the Governor.

Approved April 30, 1972.

CHAPTER 383  
FORMERLY HOUSE BILL  
NO. 646

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO  
THE DIVISION OF SOCIAL SERVICES FOR PUBLIC  
ASSISTANCE GRANTS.**

*Be it enacted by The General Assembly of The State of  
Delaware:*

Section 1. There is hereby appropriated to the Division of Social Services, Department of Health and Social Services, the amounts hereinafter listed for public assistance grants for the fiscal year ending June 30, 1972:

General Assistance Grants .....	\$ 250,000
Old Age Assistance Grants .....	315,000
Assistance Grants (Blind) .....	100,000
Aid to Disabled Grants .....	490,000
Aid to Families with Dependent Children .....	<u>1,110,000</u>
TOTAL .....	\$2,265,000

Section 2. This Act shall be known as a supplementary appropriation and the sums appropriated shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. Funds appropriated herein which remain unexpended on June 30, 1972, shall revert to the General Fund.

Approved May 3, 1972.

## CHAPTER 384

FORMERLY SENATE BILL  
NO. 599**AN ACT TO AMEND CHAPTERS 45 AND 21 OF TITLE 21,  
DELAWARE CODE, RELATING TO SIZE AND WEIGHT  
OF VEHICLES AND TRUCK LOADS AND PLATES  
THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the members elected to each branch thereof concurring therein):*

Section 1. Amend Chapter 45, Title 21, Delaware Code, by adding the following sentence to § 4501:

“Nothing in this section shall be construed to invalidate the provisions of § 2151 (a) of this Title.”

Section 2. Amend Chapter 45, Title 21, Delaware Code, by striking from § 4502 (b) the words “unladen or with load” as they appear therein and substituting in lieu thereof the words “including any load thereon.”

Section 3. Amend Chapter 45, Title 21, Delaware Code, by deleting § 4502 (c) in its entirety and substituting in lieu thereof a new § 4502 (c) as follows:

(c) No single motor vehicle, including the load thereon, shall exceed forty (40) feet in length, inclusive of front and rear bumpers and no other vehicle or combination of vehicles, including the load thereon, shall exceed fifty-five (55) feet in length, inclusive of front and rear bumpers, except as otherwise provided in this section.

(1) A truck tractor and semi-trailer combination, engaged in the transportation of motor vehicles, shall not exceed a length of sixty-five (65) feet, inclusive of front and rear bumpers, but this limitation shall be exclusive of the overhang of the transported vehicles.

(2) Buses shall not exceed forty-two (42) feet in length.

(3) Vehicles or combinations of vehicles transporting piling, poles or other articles impossible of dismemberment shall not exceed a length of seventy (70) feet.

(4) The combination of a truck tractor, semi-trailer and trailer, including the load thereon, shall not exceed sixty-five (65) feet in length, inclusive of front and rear bumpers.

Section 4. Amend Chapter 45, Title 21, Delaware Code, by deleting § 4502 (d) in its entirety and substituting in lieu thereof a new § 4502 (d) as follows:

(d) Subject to the provisions of subsection (c) of this section limiting the length of vehicles and loads, the load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not exceed more than three (3) feet beyond the foremost part of the vehicle; and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than six (6) feet beyond the rear of the bed or body of such vehicle.

Section 5. Amend Section 2121 of Chapter 21, Title 21, Delaware Code, by striking the sixth sentence of paragraph (b) in its entirety.

Section 6. Amend Chapter 45, Title 21, Delaware Code, by deleting § 4503 in its entirety and substituting in lieu thereof the following new § 4503:

**§ 4503. Weight of Vehicles and Loads**

(a) No axle load shall exceed twenty thousand (20,000) pounds and with respect to any vehicle equipped with coupled axles (commonly called tandem axles) spaced less than forty-eight (48) inches apart measured horizontally between their center lines, the combined weight of the coupled axles shall not exceed twenty thousand (20,000) pounds and with respect to a vehicle equipped with coupled axles spaced forty-eight (48) inches or more apart measured horizontally between their center lines the combined weight of the coupled axles shall not exceed thirty-six thousand (36,000) pounds. None of the provisions of this subsection shall apply to, or govern the total or maximum gross weight of any vehicles described or defined in subsection (g) of this section.

(b) The gross weight, including load, of a vehicle equipped with two (2) or more axles without power brakes on each rear hub, shall not exceed twenty-two thousand (22,000) pounds and it shall be unlawful to operate such vehicle in excess of twenty (20) miles per hour.

(c) No trailer equipped with metal tires bearing a gross load in excess of six thousand (6,000) pounds, including load, shall be permitted on state highways.

(d) The total gross weight imposed on the highway by any group of two (2) or more consecutive axles of a vehicle or of any combination of vehicles shall not exceed that given on the following table for the respective distance between the centers of the first and last axles of said two (2) or more consecutive axles; provided, however, that none of the provisions of this subsection shall apply to or govern the total or maximum gross weight of any vehicle described or defined in subsection (g) of this section:

TABLE FOR MAXIMUM GROSS WEIGHTS

Distance in Feet Between First and Last Axles of any Group	Maximum Gross Weight in Pounds for any Group			
	2 Axles	3 Axles	4 Axles	5 Axles
8	36,000	40,000		
9	37,000	40,500		
10	38,000	41,500		
11	39,000	42,000		
12	40,000	43,000	48,000	
13		43,500	48,500	
14		44,500	49,500	
15		45,000	50,000	
16		46,000	50,500	
17		46,500	51,500	
18		47,500	52,000	
19		48,000	52,500	
20		49,000	53,500	
21		49,500	54,000	
22		50,500	54,500	
23		51,000	55,500	
24		52,000	56,000	
25		52,500	56,500	
26		53,500	57,500	
27		54,000	58,000	
28		55,000	58,500	
29		55,500	59,500	
30		56,500	60,000	
31		57,000	61,500	66,000
32		58,000	62,500	67,000
33		58,500	63,400	67,900
34		59,500	64,400	68,900
35		60,000	65,400	69,900
36			66,200	70,700
37			67,200	71,500
38			68,100	72,000
39			69,000	73,000
40				73,280

(e) The provisions of this section are subject to the laws, rules, and regulations of the United States of America, its agencies or commissions which may impose weight and size limitations or restrictions for any vehicles on federal interstate highways which are a part of, and which have been or are constructed pursuant to the act creating the National System of Interstate and Defense Highways and no vehicles shall be operated on any such federal interstate highway located in this State with a size of gross weight in excess of that permitted by such limitations and restrictions in force at the time.

(f) It shall be unlawful to operate a vehicle or combination of vehicles in this State that is registered in another State with a gross weight in excess of that for which said vehicle or combination of vehicles is registered for in its home state. In no event shall said vehicle or combination of vehicles be permitted more weight than the same vehicle or combination of vehicles could be registered for in this State.

(g) It shall be lawful to operate a vehicle equipped with three (3) axles, having each of the rear axles equipped with two (2) hubs, with a power brake on each rear hub provided that the gross weight, including vehicle and load, does not exceed sixty-five thousand (65,000) pounds; provided, however, that if there shall be any laws, rules or regulations of the United States of America or of any of its agencies or commissions which impose weight limitations or restrictions for any such vehicles on federal interstate highways which are a part of and which have been or are constructed pursuant to the Act creating the National System of Interstate and Defense Highways described in § 103 (d) of Title 23, United States Code, as amended, (better known as the 'Interstate System'), and if such weight limitations or restrictions shall be less than sixty-five thousand (65,000) pounds, then no such vehicle shall lawfully be operated on any such federal interstate highway located in this State with a gross weight, including vehicle and load, in excess of that permitted by such limitations and restrictions in force at the time.

Approved May 4, 1972.

## CHAPTER 385

FORMERLY HOUSE BILL NO. 645  
AS AMENDED BY  
HOUSE AMENDMENTS NO. 1 AND 3

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO  
THE DIVISION OF SOCIAL SERVICES FOR MEDICAID  
PAYMENTS.**

*Be it enacted by The General Assembly of The State of Delaware:*

Section 1. There is hereby appropriated to the Division of Social Services, Department of Health and Social Services, the amounts hereinafter listed for Medicaid Payments for the fiscal year ending June 30, 1972:

Medical Aid Program - Drugs .....	\$ 110,000
Title XIX Federal Programs	
Other than State Institutions .....	<u>1,100,000</u>
<b>TOTAL .....</b>	<b>\$1,210,000</b>

Section 2. This Act shall be known as a supplemental appropriation and the sums appropriated shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. Funds appropriated herein which remain unexpended on June 30, 1972, shall revert to the General Fund.

Approved May 4, 1972.

## CHAPTER 386

FORMERLY SENATE BILL  
NO. 332

**AN ACT TO AMEND CHAPTERS 45 and 46, TITLE 6, DELAWARE CODE, RELATING TO PROHIBITING THE DENIAL OF EQUAL RIGHTS TO HOUSING AND EQUAL ACCOMMODATIONS BECAUSE OF AGE OR MARITAL STATUS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Chapter 45, Title 6, Delaware Code, by inserting the words "age, marital status", after the word "race", and before the word "creed", wherever they appear therein.

Section 2. Amend Chapter 46, Title 6, Delaware Code, by inserting the words "age, marital status", after the word "race", and before the word "creed" wherever they appear therein.

Approved May 10, 1972.

## CHAPTER 387

FORMERLY SENATE  
BILL NO. 528

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO REDUCE THE VOTING AGE IN MUNICIPAL ELECTIONS TO EIGHTEEN YEARS, TO AMEND THE REQUIREMENT FOR A RESERVE FUND, AND TO AMEND THE AMOUNT WHICH MAY BE BORROWED UPON ANTICIPATION OF REVENUES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each house thereof concurring therein):*

Section 1. Section 7 (c) Chapter 42, Volume 53, Laws of Delaware, is hereby amended by striking out the words "twenty-one" as they appear in said Section and substituting in lieu thereof the word "eighteen."

Section 2. Section 33, Chapter 42, Volume 53, Laws of Delaware, is hereby amended by striking out all of Subsections (A), (B), and (C) of said Section and substituting in lieu thereof a new Subsection designated as Subsection (A) to read as follows:

(A) The City Council is hereby enjoined to set aside one (1) per cent of the net receipts received from the sale of electricity as a reserve fund to be held in trust to be used solely for the expansion, replacement, rebuilding or improvement of the electrical transmission system; provided, however, that after the said reserve fund shall have reached the amount or value of One Hundred Thousand Dollars (\$100,000), it will no longer be mandatory to add to the reserve fund until the reserve fund falls below the amount of One Hundred Thousand Dollars (\$100,000).

Section 3. Section 37, Chapter 42, Volume 53, Laws of Delaware, is hereby amended by striking out all of said Section 37 and substituting in lieu thereof the following:

Section 37. The City Council of the City of Seaford shall have full power and authority to anticipate revenue by borrowing

upon the faith and credit of The City of Seaford the sum or sums of, not exceeding One Hundred Thousand Dollars (\$100,000) in any one fiscal year, when, in the opinion of the majority of the said City Council, the needs of the City of Seaford demand it. The City Council may secure such sum or sums of money so borrowed by promissory notes of the City executed by the Mayor and attested by the Secretary of City Council, either with or without the corporate seal of The City of Seaford affixed as is requested by the Bank or persons advancing the money on said notes, and no officer or Councilman shall be personally liable for the payment of such note because it is signed by them as officers or Councilmen of The City of Seaford, and is authorized by the Resolution of the City Council; provided, however, that any sum of money borrowed on the faith and credit of The City of Seaford, as aforesaid, in any fiscal year, shall be paid out of the general funds of the City at the minimum rate of ten per centum (10%) per fiscal year and shall be completely paid at the end of ten (10) fiscal years following the first fiscal year which said money was borrowed with the interest thereon, and no part of the principal of nor the interest on any borrowing authorized by this Section shall be taxable by the State of Delaware nor any political subdivision thereof.

Approved May 10, 1972.

## CHAPTER 388

FORMERLY SENATE BILL  
NO. 549

**AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, 1909, ENTITLED " AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVE IT AUTHORITY TO ISSUE BONDS", PROVIDING FOR THE APPOINTMENT OF A TOWN MANAGER, THE HOLDING OF OFFICE, QUALIFICATIONS, DUTIES AND COMPENSATION THEREOF, AND AUTHORIZING APPOINTMENT BY THE COMMISSIONERS OF SUCH OTHER OFFICERS, EMPLOYEES AND AGENTS OF THE TOWN WHICH MAY BE DEEMED PROPER AND NECESSARY FOR THE PROPER CONDUCT IN MANAGEMENT OF THE TOWN, DUTIES THEREOF, AND PROVIDING FOR THE REMOVAL FROM OFFICE THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each House thereof concurring therein):*

Section 1. That Section 6 of Chapter 212, Volume 25, Laws of Delaware, 1909, as amended, be and the same is hereby amended by designating the said Section 6 thereof as "Section 6. (A)."

Section 2. That Section 6 of Chapter 212, Volume 25, Laws of Delaware, 1909, as amended, be and the same is hereby further amended by adding two new subsections to be designated (B) and (C) respectively, as follows:

(B) The Commissioners and their successors at the first meeting after each election, or as soon thereafter as may be, shall appoint, by a majority vote, a Town Manager, who shall not be a Commissioner, and may or may not be a resident of the Town of Bethany Beach, but shall reside in Sussex County, State of Delaware, while serving as Town Manager. The Town Manager shall hold office for such term and at such compensation as The Commissioners shall determine. He may be removed from office at any time by The Commissioners at their pleasure. The qualifications and duties of the Town Manager shall be those which The

Commissioners may by ordinance or resolution impose upon him as they shall deem proper and necessary to carry out the provisions of this Act.

(C) The Commissioners may from time to time appoint by a majority vote such other officers, employees and agents of the Town, which by it may be deemed proper and necessary, for the proper conduct and management of the Town, and impose upon such officers, employees and agents by ordinance or resolution such duty or duties as they shall see fit to carry out properly the provisions of this Act. Any such officers, employees and agents of the Town, elected by a vote of The Commissions, may be removed at any time by The Commissioners at their pleasure.

Approved May 10, 1972.

CHAPTER 389

FORMERLY SENATE BILL  
NO. 559

**AN ACT TO AMEND TITLE 10, § 2008, DELAWARE CODE,  
BY ALLOWING THE COUNCIL ON THE ADMINI-  
STRATION OF JUSTICE TO CALL ON THE DIRECTOR  
OF THE OFFICE OF COURT ADMINISTRATION TO ACT  
AS SECRETARY AND PERFORM OTHER DUTIES FOR  
THE COUNCIL.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 2008, Title 10, Delaware Code, is hereby amended by deleting the words "Clerk of the Supreme Court" and by substituting in lieu thereof the words "Director of the Office of Court Administration".

Approved May 10, 1972.

CHAPTER 390  
FORMERLY HOUSE BILL  
NO. 691

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO  
THE COURTS OF THE STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby appropriated to the Courts of the State of Delaware in the amounts hereinafter listed for the fiscal year ending June 30, 1972:

(02-03-000) Superior Court	
Jury Costs .....	\$66,200
(02-04-000) Common Pleas Court – Kent County	
Jury Costs .....	<u>22,450</u>
	\$88,650

Section 2. This Act shall be known as a supplementary appropriation and the sums shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. Funds appropriated herein which remain unexpended on June 30, 1972, shall revert to the General Fund.

Approved May 10, 1972.

CHAPTER 391

FORMERLY HOUSE BILL  
NO. 286 AS AMENDED BY  
HOUSE AMENDMENTS NO. 1,3 AND 4  
AND SENATE AMENDMENTS  
NO. 1,3, AND 4

**AN ACT TO AMEND PART II, TITLE 6 OF THE DELAWARE  
CODE, RELATING TO HIGH PRESSURE DOOR-TO-DOOR  
SALES TACTICS, AND PROVIDING FOR REMEDIES TO  
PURCHASERS OF SALES CAUSED BY HIGH PRESSURE  
DOOR-TO-DOOR SALES TACTICS.**

WHEREAS, high pressure door-to-door sales tactics provide a format for chicanery, misrepresentation and other unscrupulous methods by which the citizens of this State are cheated out of their earnings and savings; and

WHEREAS, a cancellation or "cooling-off" period concerning such sales would enable the purchaser to reconsider the wisdom and propriety of such sale without undue pressure;

NOW THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Part II, Title 6 of the Delaware Code, by adding thereto a new chapter to be known and designated as Chapter 44, which said Chapter 44 shall read as follows:

**CHAPTER 44. HOME SOLICITATION SALES**

**§ 4401. Declaration of purpose**

This Act shall be interpreted and administered so as to give greatest effect to the public policy of this State, which declares that it is a basic right of every Delaware citizen to be free of, and protected from, high pressure door-to-door sales tactics and the resultant inequities to the consumer found in contracts, poor quality merchandise, and the quick discounting of evidences of indebtedness.

**§ 4402. Short title**

This Act may be known and cited as the Home Solicitation Sales Act.

**§ 4403. Definitions**

For purposes of this Act, the following words and phrases, unless otherwise indicated, shall be deemed to have the following meanings:

(a) "Door-to-door sale" — A sale of consumer goods or services, of more than \$25 whether single or multiple contracts, in which the seller or his representative initially solicits the sale and the buyer's agreement or offer to purchase is made at a place other than the regular place of business of the seller, provided that, where a delivery of goods under a single contract is made in a regular series of deliveries after the taking of the order, a door-to-door sale shall include a sale of less than \$25. The term "door-to-door" shall not include any sale made in the presence of the buyer's attorney or any sale made to benefit a bona fide charitable organization. The term "door-to-door" shall include any solicitations and consummations of sales via any telephone.

(b) "Consumer goods and services" — All goods or services other than (1) those purchased by a buyer for resale in the ordinary course of his present trade or business; or (2) any insurance policy or annuity contract.

(c) "Seller" — Any person engaged in the door-to-door sale of consumer goods or services.

(d) "Purchase price" — The total price paid or to be paid for the consumer goods or services, including all interest and service charges.

(e) "Business day" — Any day other than a Saturday, Sunday or legal holiday.

**§ 4404. Right to cancel**

A buyer may cancel any agreement or contract of sale which is the result of a door-to-door sale, as defined herein, by giving to

the seller notice of cancellation within three full business days following that day on which the contract or sale was made. The three-day period provided for in this section does not commence until the consumer is furnished with the address at which such notice to the seller can be given. When notice of cancellation, as herein provided for, is given, the seller must return to the buyer the full amount of any payment made or consideration given under the contract or for the merchandise. In the event the buyer shall choose to cancel this contract or sale he must make available to the seller at the place of delivery any merchandise, in its original condition, delivered to him under this contract. It is unlawful practice within the meaning of 6 Delaware Code, Section 2513 for a seller to refuse to make full refund as required by this section or for a seller to use any undue influence, coercion, intentional misrepresentation or any other wilful act or representation to interfere with the buyer's exercise of his rights under this section.

**§ 4406. Required wording on contract of sale or receipt of payment**

(a) It is also an unlawful practice, under 6, Delaware Code, Section 2513, to fail to include in each door-to-door sales contract and/or receipt of payment, the following statement:

You, the buyer, may cancel this sale or contract for any reason, at any time, within three business days after you have signed the contract and/or purchased the merchandise.

(b) Such statement shall be printed, in bold face type, and in ink of a conspicuous color, other than that used for the rest of the contract and/or receipt, and shall be printed either directly above or directly below the space reserved for the signature of the buyer.

**§ 4407. Reimbursements to buyer upon cancellation**

If the buyer chooses to cancel the sales contract he shall have the right, within ten business days to a return:

(a) of any payments he made under the contract or sale;  
and

(b) of any goods traded in, in as good condition as when received by the seller; and

(c) of any notes or other evidence of indebtedness given by the buyer under the contract for sale; and that he also has the right to keep any goods or merchandise delivered by the seller under the contract or sales unless picked up at the place of delivery by the seller, at the seller's expense within forty business days after cancellation.

**§ 4408. Enforcement**

The provisions of Title 29, Delaware Code, § 8612 shall be applicable in the event of a violation of any provision of this Act in addition to any civil remedies the buyer may have by law.

Section 2. This Act shall become effective three months after its enactment into law.

Approved May 11, 1972.

CHAPTER 392

FORMERLY HOUSE BILL  
NO. 42

**AN ACT TO AMEND CHAPTER 9, TITLE 28, OF THE  
DELAWARE CODE, RELATING TO REGULATION OF  
PUBLIC ENTERTAINMENT ON SUNDAYS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Chapter 9, Title 28 of the Delaware Code  
by striking § 906 in its entirety.

Approved May 14, 1972.

CHAPTER 393  
FORMERLY HOUSE BILL  
NO. 629

**AN ACT TO AMEND CHAPTER 159, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE CORPORATE NAME OF 'THE COMMISSIONERS OF CAMDEN' TO 'THE TOWN OF CAMDEN' AND ESTABLISHING A CHARTER THEREFOR", RELATING TO THE ASSESSMENT OF TAXES.**

*Be it enacted by the General Assembly of the State of Delaware (Two-thirds of all the members elected to each branch thereof concurring therein):*

Section 1. Section 15, paragraph 1, Chapter 159, Volume 43, Laws of Delaware, is hereby amended by deleting the figure "1942" and inserting in lieu thereof the figure "1972."

Approved May 14, 1972.

CHAPTER 394

FORMERLY HOUSE BILL NO. 662

**AN ACT TO AMEND CHAPTER 27, TITLE 9, DELAWARE  
CODE RELATING TO SCHOOL CROSSING GUARDS IN  
NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Subsection (b) of Section 2701, Title 9, Delaware Code, is hereby repealed in its entirety.

Approved May 14, 1972.

## CHAPTER 395

FORMERLY HOUSE BILL  
NO. 678

**AN ACT AUTHORIZING THE TREASURER OF THE STATE OF DELAWARE TO ADVANCE FROM THE GENERAL FUND OF THE STATE OF DELAWARE TO THE STATE DEPARTMENT OF PUBLIC INSTRUCTION AMOUNTS NOT TO EXCEED \$100,000 IN TOTAL, TO EXPEDITE THE REPLACEMENT OF THE ROOF AT THE LAKE FOREST HIGH SCHOOL IN THE LAKE FOREST SCHOOL DISTRICT.**

WHEREAS, an emergency has arisen in the failure of the roof of the Lake Forest High School, in the Lake Forest School District, which was installed during the original construction in 1969; and

WHEREAS, use of the school during the 1972-1973 school year requires immediate action, and funds must be authorized before awarding of repair contracts; and

WHEREAS, it is contemplated that final funding will be incorporated in the Annual Capital Improvement Act of 1973.

**NOW, THEREFORE:**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Treasurer of the State of Delaware is hereby authorized to advance from the General Fund, to the State Department of Public Instruction, such sums as may be required but not to exceed \$100,000 in total, to expedite replacement of the Lake Forest High School roof, which sums shall be repaid to the General Fund when and if such sums shall have been authorized and funded by the Annual Capital Improvements Act of 1973.

Section 2. Any funds realized or recovered by any State educational agency or any other State agency from the outcome of any litigation arising from allegations that the original roof or

roofing material was inferior or insufficient, shall be deposited in the General Fund.

Approved May 14, 1972.

## CHAPTER 396

FORMERLY HOUSE BILL  
NO. 701**AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE  
CODE, TO PROVIDE FOR TAX EXEMPTION FOR DOM-  
ESTIC INTERNATIONAL SALES CORPORATIONS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Subsection (b), Section 1902, Title 30,  
Delaware Code, by adding a new paragraph 10 thereto to read as  
follows:

**10. Domestic International Sales Corporations**

(A) A corporation which qualifies as a Domestic International Sales Corporation (DISC) under the provisions of the Federal Internal Revenue Code (Subchapter N, of Chapter 1), and which has in effect for the entire taxable year a valid election under federal law to be treated as a DISC.

(B) If a corporation makes an election as provided in paragraph (a), then each person who at any time is a shareholder of such a corporation shall be subject to taxation under Chapter 11 or Chapter 19 on the earnings and profits or taxable income of the DISC in the same manner as provided by federal law for all periods for which the election is effective."

Section 2. This Act shall take effect with respect to all taxable years beginning after December 31, 1971.

Approved May 14, 1972.

roofing material was inferior or insufficient, shall be deposited in the General Fund.

Approved May 14, 1972.

## CHAPTER 396

FORMERLY HOUSE BILL  
NO. 701**AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE  
CODE, TO PROVIDE FOR TAX EXEMPTION FOR DOM-  
ESTIC INTERNATIONAL SALES CORPORATIONS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Subsection (b), Section 1902, Title 30,  
Delaware Code, by adding a new paragraph 10 thereto to read as  
follows:

**10. Domestic International Sales Corporations**

(A) A corporation which qualifies as a Domestic International Sales Corporation (DISC) under the provisions of the Federal Internal Revenue Code (Subchapter N, of Chapter 1), and which has in effect for the entire taxable year a valid election under federal law to be treated as a DISC.

(B) If a corporation makes an election as provided in paragraph (a), then each person who at any time is a shareholder of such a corporation shall be subject to taxation under Chapter 11 or Chapter 19 on the earnings and profits or taxable income of the DISC in the same manner as provided by federal law for all periods for which the election is effective."

Section 2. This Act shall take effect with respect to all taxable years beginning after December 31, 1971.

Approved May 14, 1972.

CHAPTER 397  
FORMERLY SENATE BILL  
NO. 562

**AN ACT TO AMEND CHAPTER 3, CHAPTER 19 AND  
CHAPTER 55 OF TITLE 15, DELAWARE CODE, RELAT-  
ING TO LISTS OF REGISTERED VOTERS, REGISTRA-  
TION FOR MEMBERS OF THE MILITARY FORCES AND  
OTHER PERSONS ABSENT FROM THE STATE, AND  
PERSONS ELIGIBLE TO VOTE BY ABSENTEE BALLOT.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend § 305, Chapter 3, Part 1, Title 15 of the Delaware Code, by striking said § 305 in its entirety, and substituting in lieu thereof the following:

**§ 305. Preparation of lists of registered voters**

(a) The Commissioner of Elections shall cause to be prepared lists of all voters, duly registered in the State as of twenty-one (21) days prior to the date of the delegate primary and another complete list of all registered voters as of twenty-one (21) days prior to the date of the state-wide primary. Such lists are to be in alphabetical order and shall contain the full name, address and political party designation of each voter as it appears on the registration records. A separate list shall be prepared for each Election District in the State.

(b) The Commission of Elections shall also cause to be prepared for each Election District in the State a supplemental list of all voters who register, transfer their registration, or make changes in their names, addresses, or party designations between that period of twenty-one (21) days prior to the date of the state-wide primary and the last general registration day of the year of any General Election, inclusive. Such separate supplemental lists, in alphabetical order, shall be prepared for each Election, District in the State, and each such list shall contain the full names, address and political party designation of those voters who are newly registered, who have changed their names or who have changed their party designation, together with information show-

ing the election district to which and from which such voters have transferred their registration, where applicable.

Section 2. Amend Chapter 19, Title 15, Delaware Code, by striking the present Chapter Heading for Chapter 19, and substituting in lieu thereof the following:

**CHAPTER 19. REGISTRATION FOR MEMBERS OF THE  
MILITARY FORCES, RELATED ORGANIZATIONS  
AND THOSE CITIZENS LIVING OUTSIDE THE  
TERRITORIAL LIMITS OF THE UNITED STATES.**

Section 3. Amend Chapter 19, Title 15, Delaware Code, by striking the present Chapter Heading for Subchapter 1, and substituting in lieu thereof the following:

**SUBCHAPTER 1. REGISTRATION PROCEDURES**

Section 4. Amend Subsection (b), Section 1901, Chapter 19, Title 15, Delaware Code, by striking said Subsection (b) in its entirety, and substituting in lieu thereof the following:

(b) Every person, otherwise qualified, who is absent from this State and is a member of the Armed Forces while in the active service, or his spouse or dependents; or a member of the Merchant Marine of the United States, or his spouse or dependents; or a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia, or his spouse or dependents when residing with or accompanying him; or is absent from this State because of illness or injury received while serving in the Armed Forces of the United States, may register in the election district of his permanent residence under the provisions of Section 1906 of this Title.

Section 5. Amend Section 1901, Subchapter 1, Chapter 19, Title 15, Delaware Code, by adding a new subsection thereto, designated as Subsection (d), which shall read as follows:

(d) Every person, otherwise qualified, who has either been a member of said Armed Forces or said Merchant Marine or said foreign service of the United States, or has been serving as aforesaid for at least six (6) months prior to the date of the general election next succeeding his registration or else was a bona

fide resident of the county in which said election district is located six (6) months or more prior to such day, may register.

Section 6. Amend Subsection (b), Section 1906, Chapter 19, Title 15, Delaware Code, by striking said Subsection (b) in its entirety, and substituting in lieu thereof the following:

(b) The absentee registration affidavit shall be in the form set forth in Section 1907 of this Title and shall be made before any commissioned officer in the active service of the Armed Forces, or any member of the Merchant Marine of the United States designated for this purpose by the Secretary of Commerce, the head of any department or agency of the United States, any civilian official empowered by State or Federal law to administer oaths, or any civilian employee designated by the head of any department or agency of the United States. It shall be returned, duly authenticated as above, in an envelope addressed to the Department of the County in which the affiant claims to be a resident.

Section 7. Amend Section 1907, Subchapter 1, Chapter 19, Title 15, Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

**§ 1907. Absentee registration affidavit; form**

The absentee registration affidavit shall be in substantially the following form and contain the information requested in such form:

STATE OF DELAWARE)

)ss.

COUNTY OF. . . . . )

I, . . . . . do solemnly swear (or affirm) that I am a resident of the . . . . . election district of the . . . . . representative district in the County of . . . . ., State of Delaware, and am entitled to register as a qualified voter in the general election to be held in said district during the year in which this affidavit is dated; that I am absent from the State of Delaware and do not expect to be present in the State of Delaware at any time from the date of this affidavit until ten days before the date of such general election, that I am absent because:

- I am a member of the Armed Forces of the United States of America;
- I am a member of the Merchant Marine of the United States of America;
- I am the spouse or dependent of a person in one of the above categories;
- I am suffering from an illness or injury received while serving in any of the foregoing capacities;
- I am a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia;
- I am a spouse or dependent of the immediately preceding category who is residing with or accompanying said citizen; that I was a resident of the said election district at the commencement of my aforesaid membership (or service); and that the information concerning me that I have noted upon the application for registration is true and correct.

Signed .....

Subscribed and Sworn to (or affirmed) before me  
this .....day of.....,A.D.  
19.....

.....  
Commissioned Officer, Notary Public  
or other specified person (state title)

Section 8. Amend § 5503, Chapter 55, Part IV, Title 15 of the Delaware Code, by striking said § 5503 in its entirety, and substituting in lieu thereof the following:

**§ 5503. Persons eligible to vote by absentee ballot**

Any qualified elector of this State, duly registered, may cast his vote by absentee ballot in any general election, primary election choosing candidates for statewide or local offices, or special election held under the provisions of Chapter 73 of this

title, such votes to be counted in the total for the election district in which he is registered if he is unable to appear at the polling place of his election district because of being:

- (1) In the public service of the United States or of this State,
- (2) In the Armed Forces of the United States or the Merchant Marine of the United States, or attached to and serving with the Armed Forces of the United States in the American Red Cross, Society of Friends, or United Service Organizations, or
- (3) Unavoidably absent from the county in which he resides on the day of the general election, or
- (4) Sick or physically disabled.

Approved May 14, 1972.

CHAPTER 398  
FORMERLY SENATE  
SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 572

**AN ACT TO AMEND SECTIONS 1306 AND 4518, TITLE 15,  
DELAWARE CODE, RELATING TO REGISTRATION AND  
POLLING PLACES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subsection 1306 (a), Title 15, Delaware Code, is hereby amended by striking it in its entirety and inserting in lieu thereof the following:

(a) Each Department of Elections shall designate and procure for each election district in its county a registration place, which shall also be used as the district's polling place, wherever possible. The suitability, convenience and accessibility of the registration place to the voters of the election district must be given prime consideration in its selection. This selection shall be determined according to this order of preference: (1) Within the geographical boundaries of the election district to be served. (2) Within the boundaries of an election district which immediately adjoins the district to be served and is in the same representative district. (3) Within the boundaries of an election district which immediately adjoins the district to be served, but is in a different representative district, provided such designation is made by a unanimous vote of the members present at a meeting of the Board of Elections for the county.

Section 2. Subsection 4518 (a), Title 15, Delaware Code, is hereby amended by striking it in its entirety and inserting in lieu thereof the following:

(a) Each Department of Elections shall designate and procure for each election district in its county a polling place, which shall be the same as its registration place, wherever possible. The suitability, convenience and accessibility of the polling place to the voters of the election district must be given prime

consideration in its selection. This selection shall be determined according to this order of preference: (1) Within the geographical boundaries of the election district to be served. (2) Within the boundaries of an election district which immediately adjoins the district to be served and is in the same representative district. (3) Within the boundaries of an election district which immediately adjoins the district to be served, but is in a different representative district, provided such designation is made by a unanimous vote of the members present at a meeting of the Board of Elections for the county.

Approved May 14, 1972.

## CHAPTER 399

FORMERLY SENATE BILL  
NO. 598**AN ACT TO AMEND SECTIONS 622 AND 632, TITLE 29,  
DELAWARE CODE, RELATING TO A PORTION OF THE  
BOUNDARY LINES OF THE SECOND, FOURTH, TENTH  
AND FIFTEENTH SENATORIAL DISTRICTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 622 (b), Title 29, Delaware Code, by striking therefrom the words:

All that portion of the city of Wilmington bounded by a line beginning at the intersection of the center line of the Christina River Extended with the center line of the boundary between the States of New Jersey and Delaware; thence in a northwesterly direction along the center line of the Christina River Extended and the Christina River by its several courses to its intersection with the center line of the Brandywine Creek; thence along the center line of the Brandywine Creek by its several courses in a northeasterly direction to its intersection with the center line of a stream connecting with the Brandywine Creek and passing under the foot of 12th Street; thence in a northeasterly direction along the center line of the stream connecting with the Brandywine Creek and passing under the foot of 12th Street to its intersection with the center line of a branch of the Penn Central Railroad connecting the main line and the Shellpot Branch of the Penn Central Railroad; thence northerly along the center line of said branch of the Penn Central Railroad to its intersection with the center line of the main line of the Penn Central Railroad (at the foot of Vandever Avenue); thence northeasterly along the center line of the main line of the Penn Central Railroad to its intersection with the center line of Todds Lane Extended;

and inserting in lieu thereof the words:

All that portion of the City of Wilmington bounded by a line beginning at the intersection of the center line of the northeastern boundary of the City of Wilmington extended with the center line

of the boundary between the States of New Jersey and Delaware; thence westerly along the center line of the northeasterly boundary of the City of Wilmington extended and the northeastern boundary of the City of Wilmington to its intersection with the center line of the main line of the Penn Central Railroad; thence southerly along the center line of the main line of the Penn Central Railroad to its intersection with the center of Todds Lane Extended;

Section 2. Amend Section 632 (a), Title 29, Delaware Code, by striking therefrom the words:

All that portion of New Castle County, bounded by a line beginning at the intersection of the center line of the Christiana River (extended) with the center line of the boundary between the States of Delaware and New Jersey; thence in a northwesterly direction along the center line of the Christiana River (extended) and the Christiana River by its several courses to its intersection with the center line of the Brandywine Creek; thence along the center line of the Brandywine Creek by its several courses in a northeasterly direction to its intersection with the center line of a stream connecting with the Brandywine Creek and passing under the foot of 12th Street; thence in a northeasterly direction along the center line of the stream connecting with the Brandywine Creek and passing under the foot of 12th Street to its intersection with the center line of a branch of the Penn Central Railroad connecting the main line and the Shellpot Branch of the Penn Central Railroad; thence northerly along the center line of said branch of the Penn Central Railroad to its intersection with the center line of the main line of the Penn Central Railroad (at the foot of Vandever Avenue); thence northeasterly along the center line of the main line of the Penn Central Railroad to its intersection with the center line of Todds Lane extended;

and inserting in lieu thereof the words:

All that portion of the City of Wilmington and New Castle County bounded by a line beginning at the intersection of the center line of the northeastern boundary of the City of Wilmington extended with the center line of the boundary between the States of New Jersey and Delaware; thence westerly along the center line of the northeasterly boundary of the City of Wilmington extended and the northeastern boundary of the City

of Wilmington to its intersection with the center line of the main line of the Penn Central Railroad; thence southerly along the center line of the main line of the Penn Central Railroad to its intersection with the center line of Todds Lane Extended;

Section 3. Amend Section 632 (g), Title 29, Delaware Code, by striking therefrom the words:

thence in a southerly direction along the center line of South Chapel Street Extension (Purgatory Swamp Road) to its intersection with the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike); thence in a southwesterly

and inserting in lieu thereof the words:

thence in a southerly direction along the center line of South Chapel Street Extension (Purgatory Swamp Road) to its intersection with the center line of Old Baltimore Pike; thence in a southwesterly direction along the center line of Old Baltimore Pike to its intersection with the center line of the Christiana River; thence in a northwesterly direction along the center line of the Christiana River by its several courses to its intersection with the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike), thence in a westerly.

Section 4. Amend Section 632 (l), Title 29, Delaware Code, by striking therefrom the words:

“thence southwesterly along the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike) to its intersection with the center line of Welsh Tract Church Road;

and inserting in lieu thereof the words:

thence southwesterly along the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike) to its intersection with the center line of South Chapel Street Extension (Purgatory Swamp Road); thence in a southerly direction along the center line of South Chapel Street Extension (Purgatory Swamp Road) to its intersection with the center line of Old Baltimore Pike; thence in southwesterly direction along the center line of Old Baltimore Pike to its intersection with the center line of the Christiana River; thence in a northwesterly direction along

the center line of the Christiana River by its several courses to its intersection with the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike); thence in a westerly direction along the center line of the John F. Kennedy Memorial Highway (Delaware Turnpike) to its intersection with the center line of Welsh Tract Church Road;

Approved May 14, 1972.

CHAPTER 400  
FORMERLY SENATE BILL  
NO. 600

**AN ACT TO AMEND A PORTION OF THE LEGAL DESCRIPTIONS OF NEW CASTLE COUNTY COUNCILMANIC DISTRICTS FOUR, FIVE AND SIX.**

WHEREAS, pursuant to Section 1165, Title 9, Delaware Code, the County Council of New Castle County appointed a Redistricting Commission to recommend a plan for the redistricting of the six (6) councilmanic districts that comprise a portion of New Castle County; and

WHEREAS, said Redistricting Commission recommended a plan for redistricting said six (6) councilmanic districts; and

WHEREAS, said plan recommended by said Redistricting Commission became effective; and

WHEREAS, the Department of Elections for New Castle County reviewed the district lines that were drafted for a portion of Council Districts 4, 5 and 6, and determined that there appeared to be a possible discrepancy between the lines drawn by the Redistricting Commission and the legal descriptions describing said districts; and

WHEREAS, said Department of Elections by letter dated December 6, 1971, wrote to the Honorable C. Douglas Buck, Jr., President of County Council of New Castle County pointing out the discrepancies and requested County Council to determine whether the intent of the Redistricting Commission was to follow certain Senatorial and Representative lines or whether said Commission intended to adopt different lines; and

WHEREAS, by letter dated December 8, 1971, Clarence W. Taylor, County Attorney, at the request of the President Pro-Tem of County Council, wrote to John A. Wozniak, Jr., Chairman of the New Castle County Redistricting Commission and asked him to confer with the members of said Redistricting Commission and to inform said County Council of the intent the said Redistricting Commission had when it established said councilmanic lines; and

WHEREAS, by letter dated February 16, 1972 said John A. Wozniak, Jr. informed said Clarence W. Taylor that he had polled the Members of said Redistricting Commission and they agreed that the lines they drew should be the same as the Senatorial and Representative lines and the legal descriptions should be changed accordingly; and

WHEREAS, on February 22, 1972, County Council of New Castle County adopted Resolution No. 72-35 which reads as follows:

**RESOLUTION NO. 72-35**

**RESOLUTION REQUESTING THE GENERAL ASSEMBLY TO CORRECT MINOR DISCREPANCIES BETWEEN NEW CASTLE COUNTY COUNCIL DISTRICT LINES AND LEGISLATIVE DISTRICT LINES**

WHEREAS, the Redistricting Commission submitted its report recommending new Councilmanic Districts for New Castle County as set forth in a map and description attached to said report, and the redistricting plan set forth in said report became effective as provided in Section 1165, Title 9, Delaward Code; and

WHEREAS, the Department of Elections for New Castle County by communions attached hereto has determined that in certain minor respects Councilmanic District lines in the report of the Redistricting Commission do not coincide with representative or senatorial district lines established by the General Assembly; and

WHEREAS, the Chairman of the Redistricting Commission has reported that the Redistricting Commission has no objection the revisions recommended by the Department of Elections to permit the district lines of the Councilmanic Districts to coincide with the representative and senatorial lines established by the General Assembly; and

WHEREAS, it appears that there is no authority in the government of New Castle County to make the recommended changes in district lines;

**NOW, THEREFORE, BE IT RESOLVED:** That County

Council of New Castle County urges the General Assembly to enact legislation correcting the Councilmanic District lines as recommended by the Department of Elections for New Castle County.

Adopted by County Council  
of New Castle County on  
February 22, 1972

C. Douglas Buck, Jr.  
President of County Council  
of New Castle County

and

WHEREAS, it is the intent of this Act to change a portion of the said legal descriptions, since said County Council has no authority to do so.

NOW, THEREFORE:

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend the legal description of New Castle County District 4 as adopted by the County Council of New Castle County by striking therefrom the words:

“thence in a generally southeasterly direction along the center line of Upper Pike Creek Road to its point of intersection with the center line of the northern boundary line of the recorded Subdivision of Linden Hill Village and Linden Hill Village extended; thence in a westerly direction along the center line of the northern boundary line of the recorded Subdivision of Linden Hill Village and Linden Hill Village extended to its point of intersection with the center line of Polly Drummond Road;”

and inserting in lieu thereof the words:

“thence in a generally southeasterly direction along the center line of Upper Pike Creek Road to its point of intersection with the center line of New Linden Hill Road; thence in a westerly direction along the center line of New Linden Hill Road to its

point of intersection with the center line of Boyds Valley Road; thence in a counter clockwise direction along the center line of Boyds Valley Road to its point of intersection with the center line of White Clay Crescent Road; thence in a westerly and southerly direction along the center line of White Clay Crescent Road to its second intersection with the center line of Rankin Road; thence in a southwesterly direction along the center line of Rankin Road to its point of intersection with the center line of Polly Drummond Road;”.

Section 2. Amend the legal description of New Castle County District 5 as adopted by the County Council of New Castle County by striking therefrom the words:

“thence northwesterly along the center line of Polly Drummond Road to its point of intersection with the center line of the northern boundary line of the recorded Subdivision of Linden Hill Village and Linden Hill Village extended; thence in an easterly direction along the center line of the northern boundary lines of the recorded Subdivision of the Linden Hill Village and Linden Hill Village extended to its point of intersection with the center line of Upper Pike Creek Road;” and inserting in lieu thereof the words:

“thence northwesterly along the center line of Polly Drummond Road to its point of intersection with the center line of Rankin Road; thence in a northeasterly direction along the center line of Rankin Road to its first intersection with the center line of White Clay Crescent Road; thence in a northerly and easterly direction along the center line of White Clay Crescent Road to its intersection with the center line of Boyds Valley Road; thence in a clockwise direction along the center line of Boyds Valley Road to its intersection with the center line of New Linden Hill Road; thence in an easterly direction along the center line of New Linden Hill Road to its intersection with the center line of Upper Pike Creek Road;”.

Section 3. Amend the legal description of New Castle County District 5 as adopted by the County Council of New Castle County by striking therefrom the words:

“thence in a southerly direction along the center line of the

boundary of the States of Maryland and Delaware to its point of intersection with the center line of U.S. Route 40; thence in a generally easterly direction along the center line of U.S. Route 40 to its point of intersection with the center line of Purgatory Swamp Road;”

and inserting in lieu thereof the words:

“thence in a southerly direction along the center line of the boundary of the States of Maryland and Delaware to its point of intersection with the center line of the east-bound lane of U. S. Route 40; thence in a generally easterly direction along the center line of the east-bound lane of U. S. Route 40 to its point of intersection with the center line of Purgatory Swamp Road;”

Section 4. Amend the legal description of New Castle County District 6 as adopted by the County Council of New Castle County by striking therefrom the words:

“thence in a southeasterly direction along the center line of Purgatory Swamp Road to its point of intersection with the center line of U.S. Route 40; thence in a generally westerly direction along the center line of U.S. Route 40 to its point of intersection with the center line of the State Boundary of the States of Delaware and Maryland;”

inserting in lieu thereof the words:

“thence in a southeasterly direction along the center line of Purgatory Swamp Road to its point of intersection with the center line of the east-bound lane of U.S. Route 40; thence in a generally westerly direction direction along the center line of the east-bound lane of U.S. Route 40 to its point of intersection with the center line of the State Boundary of the States of Delaware and Maryland;”.

Section 5. This Act shall become effective as of the same date the districts as recommended by the Redistricting Commission become effective.

Approved May 14, 1972.

## CHAPTER 401

FORMERLY SENATE BILL  
NO. 570 AS AMENDED  
BY HOUSE AMENDMENT  
NO. 1

**AN ACT TO AMEND CHAPTERS 13, 17, 21, and 23, TITLE 15,  
DELAWARE CODE, RELATING TO REGISTRATION REC-  
ORDS, PROCEDURE AT REGISTRATION PLACES, RE-  
GISTRATION APPEALS, AND ENFORCEMENT PROVI-  
SIONS PERTAINING TO REGISTRATION.**

*Be it enacted by the General Assembly of the State of Delaware (Two-thirds of all the members elected to each branch thereof concurring therein):*

Section 1. Title 15, § 1304, Delaware Code, is hereby amended by placing a "." after the word "thereof" in the last sentence of said section and striking the words "except that no one may copy the date of birth of any registered voter."

Section 2. Title 15, § 1724, Delaware Code, is hereby amended by striking the "." that appears at the end of the second sentence thereof and inserting in lieu thereof the following:

"nor within fifty (50) feet of the entrance to the building except in cases where the registrars shall, by unanimous vote, designate a lesser limitation for reasons of necessity or convenience of the public".

Section 3. Title 15, Chapter 23, Delaware Code, is hereby amended by adding to it § 2307 to read as follows:

**§ 2307. Unauthorized entering of registration area; interference with registration**

(a) Whoever, not being a registration officer or other Department of Elections personnel, enters the prohibited registration area, as stipulated in § 1724 of this Title, during the hours of registration other than to register to vote shall be fined not less than One Hundred Dollars (\$100) nor more than One Thousand

Dollars (\$1,000) or imprisoned not less than thirty (30) days nor more than two years, or both.

(b) Whoever enters the prohibited registration area, as stipulated in § 1724 of this Title, during the hours of registration for the purpose of interfering with the registration officers in the discharge of their duties, or whoever attempts to molest, disturb or prevent the registration officers or any of those seeking to register from proceeding regularly with registration, shall be fined not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1,000), or imprisoned not less than ninety (90) days nor more than three (3) years, or both.

Approved May 24, 1972.

CHAPTER 402

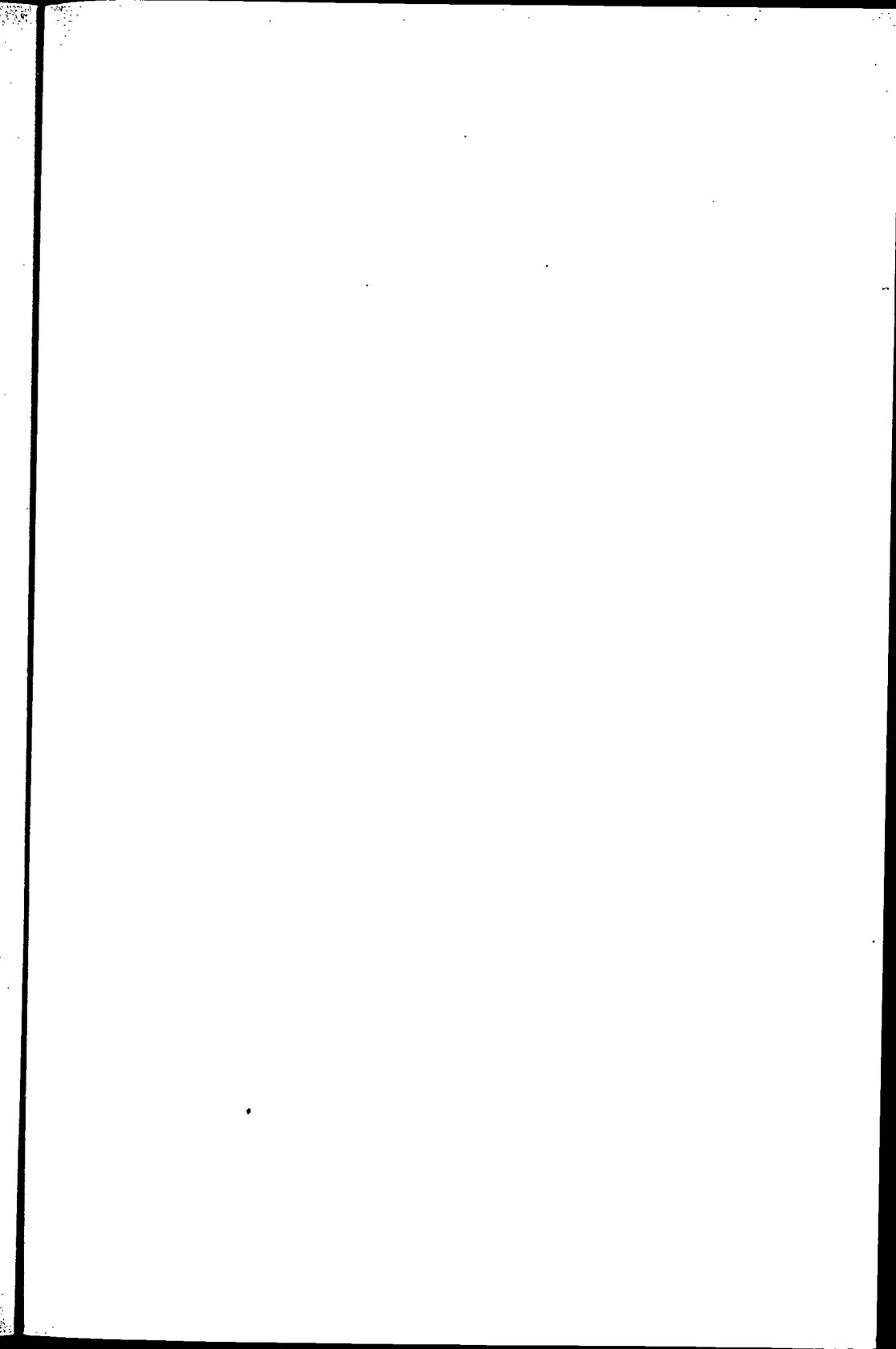
FORMERLY SENATE BILL  
NO. 594

**AN ACT TO AMEND CHAPTER 19, TITLE 14, DELAWARE  
CODE, RELATING TO THE METHOD OF VOTING IN  
SCHOOL DISTRICT TAX ELECTIONS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Section 1908 (b) of Chapter 19, Title 14,  
Delaware Code, by striking the word "cross" as the same appears  
immediately preceding the word "mark" in said subsection (b).

Approved May 24, 1972.



**END  
OF  
VOLUME**